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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JASON KANDER  
SECRETARY OF STATE

MISSOURI  
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

# Missouri Participating Libraries

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.111 Endangered Species.** The commission proposes to amend subsection (3)(E) of this rule.

*PURPOSE: This amendment adds the grotto sculpin to the list of species considered to be threatened with extinction in Missouri.*

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(E) Fishes: lake sturgeon, pallid sturgeon, taillight shiner, Neosho madtom, spring cavefish, harlequin darter, goldstripe darter, cypress minnow, central mudminnow, crystal darter, swamp darter, Ozark

cavefish, Niangua darter, Sabine shiner, mountain madtom, redbfin darter, longnose darter, flathead chub, Topeka shiner, **grotto sculpin**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed March 17, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

#### PROPOSED AMENDMENT

**3 CSR 10-6.550 Other Fish.** The commission proposes to amend section (3) of this rule.

*PURPOSE: This amendment adds the prohibition of the use of live bighead and silver carp as bait.*

(3) Fish taken under this rule may be used as bait; except that bowfin[, ] or parts thereof (including eggs), **live bighead carp, and live silver carp** may not be used as bait.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 17, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

#### PROPOSED AMENDMENT

**3 CSR 10-10.735 Sale of Live Bait.** The commission proposes to

amend section (2) of this rule.

**PURPOSE:** This amendment corrects a reference to a related rule.

(2) Live bait may not be sold if obtained from the waters of the state except when taken by a licensed commercial fisherman from commercial waters. Live bait purchased or obtained from a licensed commercial fisherman or other legal sources must be species listed in the Approved Aquatic Species List (3 CSR 10-9.110(3))/(F)/(H)).

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed March 17, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.115 Closings.** The commission proposes to amend subsection (4)(C) of this rule.

**PURPOSE:** This amendment allows area users to determine water elevation at Hornersville Swamp Access by accessing elevation readings on the Internet. Currently, area users must travel to the area to read the Hornersville Swamp Access gage.

(4) The following department areas are closed during high waters:

(C) On Hornersville Swamp Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat when the water level is at or above two hundred thirty-nine feet (239') on the [Hornersville] Ditch 81 Ext. (Upstream of Big Lake Northend CS – Above Trash Rack (BL110)) gage.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 17, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.205 Fishing, Methods and Hours.** The commission proposes to remove section (7) and renumber subsequent sections of this rule.

**PURPOSE:** This amendment removes the catch and release requirement at the Ronald and Maude Hartell Conservation Area.

[(7)](7) On Ronald and Maude Hartell Conservation Area, fishing is permitted only on designated waters. Only flies, artificial lures, and soft plastic baits (unscented) may be used and fish must be returned to the water unharmed immediately after being caught except by holders of a special use permit.]

[(8)](7) On Lost Valley Fish Hatchery, fishing is permitted only on designated waters from 9:00 a.m. to 4:00 p.m. Tuesday through Saturday. Fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by any one (1) person at any time.

[(9)](8) On Binder Community Lake, fishing is permitted only from 3:00 a.m. to 11:00 p.m. daily.

[(10)](9) Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, excluding all frogs and tadpoles, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on the following department areas:

1. Atlanta Conservation Area;
2. B.K. Leach Memorial Conservation Area;
3. Bob Brown Conservation Area;
4. Eagle Bluffs Conservation Area;
5. Fountain Grove Conservation Area;
6. Grand Pass Conservation Area;
7. Long Branch Lake Management Lands;
8. Locust Creek Conservation Area;
9. Nodaway Valley Conservation Area;
10. Rebel's Cove Conservation Area; and
11. Ted Shanks Conservation Area.

[(11)](10) On Mule Shoe Conservation Area, seining or trapping live bait, including tadpoles, is prohibited on streams and the discharge channels of impoundments.

[(12)](11) The taking of crayfish, is prohibited on the following areas:

- (A) Caney Mountain Conservation Area;
- (B) Dan and Maureen Cover Prairie Conservation Area;
- (C) George and Vida Martin Access; and
- (D) Turnback Cave (Paris Springs Access).

[(13)](12) Salvage seining of other fish as designated in 3 CSR 10-6.550 may be permitted seasonally for personal use with a special use permit.

[(14)](13) On Wire Road Conservation Area, other fish as designated in 3 CSR 10-6.550 may be taken by snagging, snaring, or grabbing

from March 15 through May 15.

**[(15)](14)** On Blind Pony Lake Conservation Area, Hunnewell Lake Conservation Area, Blackwell Lake (Indian Trail Conservation Area), and Lost Valley Fish Hatchery, bait transported or held in containers with water is prohibited.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 17, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.210 Fishing, Daily and Possession Limits.** The commission proposes to add subsections (2)(K), (4)(B), (4)(E), (4)(F), and (4)(G), and re-letter subsequent subsections of this rule.

*PURPOSE: This amendment establishes a daily limit for black bass at the Ronald and Maude Hartell Conservation Area and establishes a daily limit of four (4) in the aggregate for white bass, striped bass, and their hybrids on four (4) department areas or individually-named lakes.*

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

**(K) Ronald and Maude Hartell Conservation Area**  
**[(K)](L)** J. N. "Turkey" Kearn Memorial Wildlife Area  
**[(L)](M)** Lake Paho Conservation Area  
**[(M)](N)** Lone Jack Lake Conservation Area  
**[(N)](O)** Maple Leaf Lake Conservation Area  
**[(O)](P)** Port Hudson Lake Conservation Area  
**[(P)](Q)** James A. Reed Memorial Wildlife Area  
**[(Q)](R)** Schell Lake (Schell-Osage Conservation Area)  
**[(R)](S)** Weldon Spring Conservation Area

(4) The daily limit for white bass, striped bass, and their hybrids in the aggregate shall be four (4) on the following department areas or individually-named lakes:

**(B) Belcher Branch Lake Conservation Area**  
**[(B)](C)** Harmony Mission Lake (Harmony Mission Conservation Area)  
**[(C)](D)** Lake Paho Conservation Area  
**(E) Limpp Community Lake**  
**(F) Little Compton Lake (Little Compton Lake Conservation Area)**  
**(G) Nodaway County Community Lake**

**[(D)](H)** Perry County Community Lake  
**[(E)](I)** James A. Reed Memorial Wildlife Area

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 17, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.215 Fishing, Length Limits.** The commission proposes to add paragraph (2)(B)6., renumber subsequent paragraphs, add subsections (3)(B), (3)(E), (3)(F), and (3)(G), re-letter subsequent subsections, amend section (5), and add new section (6) of this rule.

*PURPOSE: This amendment establishes a minimum length limit for black bass at the Ronald and Maude Hartell Conservation Area; establishes a twenty inch (20") minimum length limit for white bass, striped bass, and their hybrids on four (4) lakes; and establishes a twenty four inch (24") minimum length limit for flathead catfish for two (2) lakes.*

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bellefontaine Conservation Area
2. Lakes 33 and 35 (August A. Busch Memorial Conservation Area)
3. Belcher Branch Lake Conservation Area
4. Jerry P. Combs Lake (Little River Conservation Area)
5. Robert G. Delaney Lake Conservation Area
- 6. Ronald and Maude Hartell Conservation Area**
- /6./7.** Happy Holler Lake Conservation Area
- /7./8.** Lake Paho Conservation Area
- /8./9.** Port Hudson Lake Conservation Area

(3) White bass, striped bass, and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

**(B) Belcher Branch Lake Conservation Area**  
**[(B)](C)** Harmony Mission Lake (Harmony Mission Conservation Area)

[(C)](D) Lake Paho Conservation Area  
 (E) Limpp Community Lake  
 (F) Little Compton Lake (Little Compton Lake Conservation Area)  
 (G) Nodaway County Community Lake  
 [(D)](H) Perry County Community Lake  
 [(E)](I) James A. Reed Memorial Wildlife Area

(5) On Lake Girardeau Conservation Area, [a] crappie less than nine inches (9") total length must be returned to the water unharmed immediately after being caught.

(6) On Limpp Community Lake and Little Compton Lake, flat-head catfish less than twenty-four inches (24") total length must be returned to water unharmed immediately after being caught.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 17, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.110 Use of Boats and Motors.** The commission proposes to amend subsection (6)(T) of this rule.

*PURPOSE:* This amendment corrects an improper reference to Williams Creek Lake at Watkins Mill State Park.

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:  
 (T) Watkins [Woolen] Mill State Park [and Historic Site] (Williams Creek Lake)[/].

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 17, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.140 Fishing, Daily and Possession Limits.** The commission proposes to amend subsection (2)(BB) of this rule.

*PURPOSE:* This amendment corrects an improper reference to Williams Creek Lake at Watkins Mill State Park.

(2) The daily limit for black bass is two (2) on the following lakes:  
 (BB) Watkins Mill State Park [Lake] (Williams Creek Lake);

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 7, 2014, effective March 17, 2014. Amended: Filed March 17, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.145 Fishing, Length Limits.** The commission proposes to amend paragraph (2)(A)33. of this rule.

*PURPOSE:* This amendment corrects an improper reference to Williams Creek Lake at Watkins Mill State Park.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake);
2. Bethany (Old Bethany City Reservoir);
3. Blue Springs (Lake Remembrance);
4. Big Oak Tree State Park (Big Oak Lake);
5. Butler City Lake;

6. Cameron (Reservoir Nos. 1, 2, and 3, Grindstone Reservoir);
7. Carthage (Kellogg Lake);
8. Columbia (Stephens Park Lake);
9. Concordia (Edwin A. Pape Lake);
10. Confederate Memorial State Historic Site lakes;
11. Dexter City Lake;
12. Farmington (Hager Lake, Giessing Lake, Thomas Lake);
13. Hamilton City Lake;
14. Harrison County Lake;
15. Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
16. Holden City Lake;
17. Jackson (Litz Park Lake, Rotary Lake);
18. Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
19. Jefferson City (McKay Park Lake);
20. Keytesville (Maxwell Taylor Park Pond);
21. Kirksville (Hazel Creek Lake);
22. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
23. Maysville (Willow Brook Lake);
24. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake);
25. Mineral Area College (Quarry Pond);
26. Odessa (Lake Venita);
27. Pershing State Park ponds;
28. Potosi (Roger Bilderback Lake);
29. Raymore (Johnston Lake);
30. Unionville (Lake Mahoney);
31. University of Missouri (Dairy Farm Lake No. 1, McCredie Lake);
32. Warrensburg (Lions Lake);
33. Watkins Mill State Park [Lake] (Williams Creek Lake);
- and
34. Windsor (Farrington Park Lake)[/];.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 7, 2014, effective March 17, 2014. Amended: Filed March 17, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.040 Reference Methods.** The commission proposes to amend sections (4)–(6). If the commission adopts this rule action, it

will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/reg/index.html](http://www.dnr.mo.gov/reg/index.html).

**PURPOSE:** This rule provides reference methods for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri. The purpose of this rule-making is to update the incorporation by reference date to include the latest Federal Register notices for ambient air monitoring methods. This action allows use of the latest equivalency methods for monitoring lead, nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 2.5 microns (PM<sub>2.5</sub>), particulate matter less than 10 microns (PM<sub>10</sub>), particulate matter between 10 and 2.5 microns (PM<sub>10-2.5</sub>), and lead in total suspended particulate matter. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is **Federal Register Notice dated June 1, 2012 (77 FR 32632)**, adding one (1) new equivalency method for NO<sub>2</sub> and two (2) for lead, **Federal Register Notice dated October 5, 2012 (77 FR 60985)**, adding one (1) new equivalency method each for PM<sub>2.5</sub>, PM<sub>10</sub>, and PM<sub>10-2.5</sub>, and **Federal Register Notice dated July 3, 2013 (78 FR 40000)**, adding a new federal reference method designating it as a new equivalency method for lead.

(4) The methods for determining the concentrations of the following air contaminants [in the ambient air] shall be as specified in 40 CFR 50, Appendices A–R or equivalent methods as specified in 40 CFR 53. The provisions of 40 CFR 50, Appendices A–R and 40 CFR 53, promulgated as of July 1, [2012] **2013**, and **Federal Register Notice [77] 78 FR [55832-55834] 40000–40011**, promulgated [September 11] **July 3, [2012] 2013**, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(C) The concentration of carbon monoxide [in the ambient air] shall be determined as specified in 40 CFR 50, Appendix C—Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry) or equivalent methods as approved by 40 CFR 53.

(D) The concentration of ozone [in the ambient air] shall be determined as specified in 40 CFR 50, Appendix D—Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere or equivalent methods as approved by 40 CFR 53.

(E) Reserved[;].

(F) The concentration of nitrogen dioxide [in the ambient air] shall be determined as specified in 40 CFR 50, Appendix F—Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence) or equivalent methods as approved by 40 CFR 53.

(G) The concentration of lead [in the ambient air] shall be determined as specified in 40 CFR 50, Appendix G—Reference Method for the Determination of Lead in Suspended Particulate Matter Collected From Ambient Air or in 40 CFR 50, Appendix Q—Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected From Ambient Air or equivalent methods as approved by 40 CFR 53.

(J) The concentration of particulate matter 10 micron (PM<sub>10</sub>) [in the ambient air] shall be determined as specified in 40 CFR 50, Appendix J—Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere, or an equivalent method as approved in 40 CFR 53.

(L) The concentration of particulate matter 2.5 micron ( $PM_{2.5}$ ) [in the ambient air] shall be determined as specified in 40 CFR 50, Appendix L—Reference Method for the Determination of Fine Particulate Matter as  $PM_{2.5}$  in the Atmosphere, or an equivalent method as approved in 40 CFR 53.

(5) The concentration of hydrogen sulfide ( $H_2S$ ) [in the ambient air] shall be determined by scrubbing all sulfur dioxide ( $SO_2$ ) present in the sample and then converting each molecule of  $H_2S$  to  $SO_2$  with a thermal converter so that the resulting  $SO_2$  is detected by an analyzer as specified in 40 CFR 50, Appendix A—Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method) or an equivalent method approved by 40 CFR 53, in which case the calibration gas used must be National Institute of Standards and Technology traceable  $H_2S$  gas.

(6) The concentration of sulfuric acid mist [in the ambient air] shall be determined as specified in the Compendium Method IO-4-2, Determination of Reactive Acidic and Basic Gases and Strong Acidity of Fine-Particles ( $<2.5 \mu m$ ), Center for Environmental Research Information, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH 45268, EPA/625/R-96/010a.

**AUTHORITY:** section 643.050, RSMo Supp. [2012] 2013. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed March 14, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2014. The public hearing will be held at the St. Louis Regional Office, 7545 S Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 5, 2014. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov).

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 70—MO HealthNet Division

#### Chapter 1—Organization

### PROPOSED AMENDMENT

**13 CSR 70-1.020 Standards for Privacy of Individually Identifiable Health Information.** The division is amending sections (1)–(3), adding new sections (4)–(6), and amending and renumbering old sections (4) and (5).

**PURPOSE:** This amendment adds new definitions to section (2) and adds new sections (4), (5), and (6). The amendment also includes clarifications in sections (1), (3), and (8).

(1) General Authority. There are many state and federal laws and regulations that safeguard applicants' and participants' protected health information.

(A) Section 1902(a)(7) of the federal Social Security Act requires

that a state plan for medical assistance must provide safeguards which restrict the use or disclosure of information concerning applicants and participants to purposes directly connected with the administration of the plan.

(B) The Health Insurance Portability and Accountability Act (HIPAA) represents the first comprehensive federal protection of patient privacy (45 Code of Federal Regulations, parts 160-164). Passed by the United States Congress in 1996, HIPAA sets national standards to protect personal health information, reduces health care fraud, and makes health coverage more portable. The entire health care industry must implement HIPAA, including state governments.

(C) The Health Information Technology for Economic and Clinical Health (HITECH) Act, enacted as part of the American Recovery and Reinvestment Act of 2009, was signed into law on February 17, 2009, to promote the adoption and meaningful use of health information technology. Subtitle D of the HITECH Act, Sections 13400-13424 of Public Law 111-5, codified at 42 U.S.C. 300jj et seq.; 17901 et seq., addresses the privacy and security concerns associated with the electronic transmission of health information, in part, through several provisions that strengthen the civil and criminal enforcement of the HIPAA rules. The U.S. Department of Health and Human Services (HHS) Office of Civil Rights (OCR) issued a final rule that implements a number of provisions of the HITECH Act, to strengthen the privacy and security protections for health information established under the HIPAA for individual's health information maintained in electronic health records and other formats at 45 CFR Parts 160 and 164, Vol. 78, No. 17.

(2) Definitions.

(A) Breach. The unauthorized acquisition, access, use, or disclosure of Protected Health Information which compromises the security or privacy of such information, except as provided in 42 U.S.C. section 17921.

(B) Business Associate. An individual or business who carries out a function or activity, involving the use or disclosure of individually identifiable health information, on behalf of the Department of Social Services and its divisions.

(C) Covered Entity. A health plan, a healthcare clearinghouse, and a healthcare provider who transmits any health information in electronic form in connection with a covered transaction. The Department of Social Services is a Health Plan, as defined in HIPAA.

(D) Health Information Network. A group of hospitals and medical professionals, and its related infrastructure, who share protected health information as defined by HIPAA.

(E) Health Information Technology for Economic and Clinical Health (HITECH) Act. Subtitle D of the HITECH Act, addresses privacy and security concerns associated with the electronic transmission of health information, in part, through several provisions that strengthen the civil and criminal enforcement of the HIPAA rules, including, business associate liability, enforcement, and breach notification.

/(A)/(F) Health Insurance Portability and Accountability Act of 1996 (HIPAA). This law established "portability" requirements, allowing employees to "take their coverage with them" when they changed jobs. The "Administrative Simplification" section of the law deals with privacy, security of health care information, and standardized formats for electronic health care transactions (such as submission of health care claims).

(G) MO HealthNet. In Missouri, the medical assistance program on behalf of needy persons, Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., shall be known as "MO HealthNet." Medicaid shall also mean "MO HealthNet" whenever it appears throughout Missouri Revised Statutes.

/(B)/(H) Protected Health Information. A term established under the HIPAA privacy rules, it refers to individually identifiable health information, in whatever medium it is transmitted or maintained (e.g.,

paper, electronic, or even oral), including demographic information, that is created or received by a health care provider, health plan, employer, or health care clearinghouse and that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

**[(C)/(I)]** Treatment, Payment, and Health Care Operations (TPO) includes all of the following:

1. Treatment means the provision, coordination, or management of health care and related services, consultation between providers relating to an individual, */or/* referral of an individual to another provider for health care, **and the necessary sharing of information through a health information network.**

2. Payment means activities undertaken by a health plan to obtain premiums or determine/fulfill responsibility for coverage or provision of benefits, or by a provider or health plan to obtain or provide reimbursement for health care, including determinations of eligibility or coverage, billing, collections activities, medical necessity determinations, and utilization review.

3. Health care operations includes functions such as quality assessment and improvement activities, **population-based activities relating to improving health or reducing health care costs**, case management and care coordination, reviewing competence or qualifications of health care professionals, conducting training programs, licensing and credentialing activities, underwriting, premium rating, conducting or arranging for medical review, legal services and auditing functions, business planning and development, and general business and administrative activities (including activities relating to the sale, transfer, or merger of the covered entity).

(3) Disclosures of **Protected Health Information Required or Allowed by Law.**

**(A)** The Department of Social Services, the single state MO HealthNet agency, **and its divisions**, may use an applicant's or participant's individually identifiable health information for treatment, payment, or health care operations. For example, individually identifiable health information may be used to determine disability for a public assistance program; when reviewing a request from the treating physician for a MO HealthNet service that requires a prior approval; **when sharing information through a health information network for treatment purposes**; and when processing claims and other requests for medical care payments. The Department of Social Services, MO HealthNet Division may also report information for research purposes and matters concerning organ donations. The research must be for helping the MO HealthNet program.

**(B)** The Department of Social Services, MO HealthNet Division shall */report/* **provide information/**—

**[(A)]1. [Contagious] To public health authorities to report contagious and reportable diseases**, including, but not limited to, those defined by 19 CSR 20-20.020, birth defects, cancer, or other information for public health purposes;

**[(B)]2. [Firearm injuries and other trauma events] Reporting of certain types of wounds or other physical injuries;**

**[(C)]3. [Reactions] Regarding reactions to problems with medicines;**

**[(D)]4. To the police when required by law;**

**[(E)]5. [When the court orders the Department of Social Services to] For court and administrative proceedings, when ordered;**

**[(F)]6. To [the government] health oversight authorities to review how Department of Social Services programs are working;**

**[(G)]7. To a provider or other insurance company who needs to know if a participant is enrolled in one of the Department of Social Services programs;**

**[(H)]8. To Workers' Compensation for work related injuries;**

**[(I)]9. Birth, death, and immunization information;**

**[(J)]10. To the federal government [when they are looking into something important] to protect our country, the [P]resident, and other government workers;**

**[(K)]11. [Information] When reporting information about victims of abuse, neglect, or domestic violence to a government authority to the extent the disclosure is required by law; [and]**

**[(L)]12. For Medical eligibility when that information is used for a governmental function, such as local public health agency using eligibility information to determine eligibility for local health programs/.**

**13. To funeral directors or coroners; and**

**14. To another government agency administering a government program providing public benefits if the programs serve the same or similar populations and the disclosure of protected health information is necessary to coordinate the covered functions of such programs or to improve administration and management relating to the covered functions of such programs.**

**(4) Disclosure of Protected Health Information to Business Associates and Other Covered Entities.** The Department of Social Services, and its divisions, may disclose, at its discretion, a participant's protected health information to designated business associates in accordance with and as authorized by HIPAA, as amended by the HITECH Act, and all regulations promulgated pursuant to authority granted therein. Examples of how a participant's protected health information may be disclosed, include, but are not limited to:

**(A) Treatment of a Participant.** Includes activities such as, providing, coordinating, or managing health care delivery and related services; consultation between providers relating to a participant; referral of a participant to another provider for health care; and necessary sharing of information through a health information network;

**(B) Payment.** Payment activities may include obtaining premiums or determining/fulfilling responsibility for coverage or provision of benefits by a provider or health plan to obtain or provide reimbursement for health care; providing reimbursement for health care services provided to the participant, which may include eligibility determinations, medical necessity or appropriateness; utilization management activities; claims management; billing; and collection activities; and

**(C) Health Care Operations.** Includes functions such as quality assessment and improvement activities; population-based activities relating to improving health or reducing health care costs; wellness and risk assessments; quality assessments and improvement, case management and care coordination; conducting training programs; licensing and credentialing activities; underwriting, premium rating, conducting or arranging for medical review; legal services and auditing functions; business planning and development; customer service; and general business and administrative activities (including activities relating to the sale, transfer or merger of the covered entity).

**(5) Restrictions of Allowable Disclosures by a Participant.** In accordance with HIPAA, a participant may request Department of Social Services to restrict allowable disclosures of the participant's protected health information. Such requests must be made in writing to the Department of Social Services Privacy Officer. The Department of Social Services Privacy Review Board shall consider the request and assess the impact on ensuring delivery of safe and quality health care to the participant, timely and accurate payment for services provided to the participant, and for the accurate review and audit of public funds used to provide health care to the participant. Decisions of the Department of Social Services Privacy Review Board may be appealed to the Department of Social Services Director for affirmation or reversal.

**(6) Protected Health Information Available Through Health Information Networks.** Protected health information may be made available for the treatment of a participant, review of health care services for payment of medical expenses, and healthcare operations, including case management and care coordination for a

participant, upon request from authorized business associates through a health information network or by other electronic means provided directly by the department, if such disclosures are made in accordance with HIPAA and for the purposes stated herein.

[(4)](7) Other Uses and Disclosures Require the Applicant's or Participant's Written Authorization. For other situations, the Department of Social Services will ask for the applicant's, or participant's, or their representative's written authorization before using or disclosing information. The applicant, or participant, or their representative may cancel this authorization at any time in writing. The Department of Social Services cannot take back any uses or disclosures already made with the applicant's, or participant's, or their representative's authorization.

[(5)](8) Applicant or Participant Rights to Restrict or Request Protected Health Information. An applicant, or participant, or their representative has the right to:—

(A) Receive private information from the Department of Social Services by other means or at another place;

(B) Have their doctor see their health information, unless it is psychotherapy notes taken by a mental health provider that are kept separate from the rest of the individual's medical record;

(C) Request a change of their medical information if they think some of the information is wrong; and

(D) Request a list of medical information the Department of Social Services shared that was not for treatment, payment, or health care operations or as required by federal law. *[Beginning in April 2003 an]* An applicant or participant or their representative can get a list of where their health information has been sent, unless it was sent for treatment, payment, **health care operations; such as** checking to make sure they received quality care, or to make sure the laws are being followed, on forms prepared by the Department of Social Services.

1. If the individual requests a copy of the protected health information or agrees to a summary or explanation of such information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:—

A. Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual;

B. Postage, when the individual has requested the copy, or summary or explanation, be mailed;

C. Preparing an explanation or summary of the protected health information; and

D. Requests for information in other formats such as *[diskettes, audio/video tapes, slides]* **compact disks (CDs), flash drives,** will be invoiced at the rate the agency actually paid for the format used.

**AUTHORITY:** sections 208.001 and 208.201, RSMo Supp. [2007] 2013. Original rule filed Feb. 3, 2003, effective Sept. 30, 2003. Amended: Filed Oct. 12, 2007, effective April 30, 2008. Amended: Filed March 12, 2014.

**PUBLIC COST:** The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight

mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—[Division of Medical Services] MO HealthNet Division Chapter 2—General Scope of Medical Service Coverage

#### PROPOSED AMENDMENT

**13 CSR 70-2.200 [Medicaid] MO HealthNet Program Benefits for Human Organ and Bone Marrow/Stem Cell Transplants and Related Medical Services.** The division is amending the purpose and sections (1)–(4).

**PURPOSE:** This amendment updates the purpose statement and terminology in sections (1), (2), (3), and (4) to reflect current program requirements.

**PURPOSE:** This rule establishes, via regulation, the Department of Social Services' [Division of Medical Services] MO HealthNet Division's guidelines regarding [Medicaid] MO HealthNet coverage and reimbursement for human organ or bone marrow/stem cell transplants and related medical services. These policies will be administered by the [Division of Medical Services] MO HealthNet Division with the assistance and guidance of its [Transplant Advisory Committee] medical consultant and/or transplant consultants.

(1) Administration. Through its [Medicaid] MO HealthNet program, the Department of Social Services (DSS)/[Division of Medical Services (DMS)]/MO HealthNet Division (MHD) will provide limited coverage and reimbursement for the transplantation of human organs or bone marrow/stem cell and the related medical services, including, but not necessarily limited to, treatment and necessary pre-transplant and post-operative care for the specific procedures defined here and as further defined by the DSS/DMS/MHD and included in the provider program manuals.

(A) The [recipient] participant must be [Medicaid] MO HealthNet-eligible on each date on which services are rendered.

(B) [Medicaid] MO HealthNet shall be the payor of last resort and all other appropriate funding sources must be exhausted prior to obtaining [Medicaid] MO HealthNet reimbursement.

(2) Conditions and Limitations.

(A) The procedures of transplantation and the related medical services must be prior authorized by DSS/DMS/MHD.

(B) [Medicaid] MO HealthNet benefits may be provided for transplantation of the following:

1. Bone marrow/stem cell;

2. Heart;

3. Kidney;

4. Liver; *[and]*

5. Lung *[(effective for dates of service October 1, 1991 and after that date.)]*;

6. Small bowel; and

7. Pancreas (in combination with or following a kidney transplant).

(C) Transplants which include multiple organs, at least one (1) of which is covered under subsection (2)(B), may be covered at the recommendation of the [Transplant Advisory Committee] medical consultant and/or transplant consultants.

(D) Each request for coverage will be handled on a case-by-case basis. A separate Prior Authorization Request must be submitted for each individual [recipient] participant and transplant.

(E) In order to be considered for approval, each proposed transplant case must meet all of the requirements of procedures and protocols specific to the service as defined by DSS/[DMS]/MHD. These procedures and protocols will be developed with input by the [DMS]/MHD'S [Transplant Advisory Committee] medical consultant and/or transplant consultants.

(F) Approved organ transplants can only be performed in a facility which submits documentation approved by [DMS]/MHD as complying with the following criteria:

1. The transplant facility must qualify for membership in the national transplantation network and must provide a copy of a current effective certification from the United Network for Organ Sharing (UNOS) granting approval to perform a specific transplant(s). The certification from UNOS will be considered appropriate verification and documentation for [DMS]/MHD transplant facility approval;

2. When the period for initial certification expires, the transplant facility must provide [DMS]/MHD evidence that continued approval from UNOS allowing participation to perform the transplant(s) has been granted;

3. Each type of [Missouri Medicaid] MO HealthNet-covered organ transplant will be subject to separate UNOS certification for each type of organ transplant;

4. The transplant facility must notify [DMS]/MHD of each new transplant surgeon who becomes a member of the transplant team. The transplant surgeons must be current [Missouri Medicaid] MO HealthNet [participating] enrolled providers;

5. The transplant facility must name the organ procurement organization (OPO) presently utilized by the facility. The transplant facility must furnish a copy of the notification from [Health Care Financing Administration (HCFA)] Centers for Medicare and Medicaid Services (CMS) which designates the facility's OPO as an acceptable organ procurement source;

6. The transplant facility must provide [DMS]/MHD with a yearly report of the number of patients receiving transplants at the facility and the average charge for the inpatient transplant stay (by type of the transplant(s) performed) as defined by [DMS]/MHD in the provider program manual;

7. Those facilities seeking certification as a [Medicaid] MO HealthNet-approved Kidney Transplant Center must furnish a copy of their current Medicare certification indicating active participation in the Medicare Renal Transplant Program; and

8. The facility must submit a copy of its Protocol for Transplantation Cases and Patient Selection Criteria for the type(s) of transplant(s) for which it is requesting transplant facility approval.

(G) Approved bone marrow/stem cell transplants can only be performed in a facility which submits documentation approved by [DMS]/MHD as complying with the following bone marrow/stem cell transplant facility criteria. An autologous only transplant facility must meet criteria items one through [twelve] ten (1-[12/10]) of the following:

1. A physician(s) with expertise in pediatric and/or adult bone marrow/stem cell transplantation, hematology, and oncology;

2. Identified nursing unit with protective isolation unit for bone marrow/stem cell transplantation;

3. Blood bank with Pheresis capability and the capability to supply required blood products or association with a qualified blood bank;

4. Physicians with expertise in infectious disease, immunology, pathology, and pulmonary medicine;

5. Capability of providing cardiac/respiratory intensive care and renal dialysis;

6. Performance of at least thirteen (13) bone marrow/stem cell transplants a year or demonstrated an ability to care for prolonged marrow failure by treating twenty[-two] ([22/ 20]) adult or ten (10) pediatric marrow failure patients per year;

7. Capability for marrow cryopreservation and purging techniques or affiliation with a facility which has these capabilities;

8. Capability to provide psychosocial support to patients and their families;

9. Close affiliation with academically based institutions to insure that all components of comprehensive care for patients undergoing bone marrow/stem cell transplantation are present in the facility. The mere presence or availability of the components one through eight (1-8) is not adequate. The facility must demonstrate that a coordinated bone marrow/stem cell transplantation program is in place and directed by a physician trained in an institution with a well established bone marrow/stem cell transplantation program;

[10. The capacity and commitment to conduct a systematic evaluation of outcome and cost (refer to paragraph (2)(F).);

11. Once approved, continuing approval of the facility requires evidence of a record of success and safety with bone marrow transplantation, and that the program continues to meet the previously mentioned criteria;]

[12.]/10. The facility must submit a copy of its Protocol for Transplantation Cases and Patient Selection Criteria for the type of bone marrow/stem cell transplants to be performed at the facility. Once approved as a facility each new type of bone marrow/stem cell transplant or diagnosis added for treatment by the facility must be documented by submitting the new protocol and patient selection criteria;

[13.]/11. Physicians with expertise in infectious disease, immunology, pathology (of Graft vs. Host Disease) and pulmonary medicine;

[14.]/12. Tissue typing laboratory with capability to perform typing for HLA-A, B, C, D/DR, and MLC;

[15.]/13. Cytogenetic laboratory; and

[16.]/14. Adequate laboratory facility to assay drug levels including Cyclosporine A.

(H) All providers of transplantation and related services must sign a [Missouri Medicaid] MO HealthNet Provider Participation Agreement in order to receive reimbursement.

(L) The transplant procedures and related services outlined previously will be reimbursable when they are performed/provided by a qualified provider who participates in the [Missouri Medicaid] MO HealthNet program. In cases involving procedures that are to be performed outside of Missouri, however, the [Transplant Advisory Committee] MO HealthNet Division, at its discretion, may require an eligible client's physician to file a statement indicating why the transplant procedure must be performed at an out-of-state facility.

(M) DSS/[DMS]/MHD will reimburse qualified providers for a presurgery assessment at established [Medicaid] MO HealthNet reimbursement rates.

(3) Procedure.

(A) The physician or transplant facility must make a written request to DSS/[DMS]/MHD for coverage of the transplant. This request must include, at a minimum, the following information:

1. [Diagnosis;] Patient's full name;

2. [Pertinent medical history;] Date of birth;

3. [Alternative treatments performed and results.] MO HealthNet ID or Social Security Number;

4. [Recommended transplant procedure;] Synopsis of alternative treatments performed and results;

5. [Prognosis;] Diagnosis and prognosis;

6. [Results of a presurgery assessment and copies of medical documentation verifying that the patient has completed the selected facility's Protocol for Transplantation. Cases and meets the Patient Selection Criteria; and] Specific transplant type being requested;

7. Name of the selected transplant center. In cases involving out-of-state facilities, a statement from the patient's physician explaining why the transplant procedure must be performed there. (Note: Those statements may be requested at the discretion of the [DMS Transplant Advisory Committee.] MO HealthNet Division);

8. Medical records must be submitted which substantiate the patient's diagnosis, as well as results of the facility's completed transplant evaluation indicating that the patient meets the facility's "Patient Selection Protocols;" and

9. Participant permanent residence; pertinent medical history; availability of other medical or Medicare coverage (including ID number); correspondence from referring physician; consultation reports/letters; transplant evaluation forms; medical records and laboratory reports showing HIV status (within six (6) months of the request date); donor compatibility for bone marrow/stem cell transplants; and full psychiatric/social service evaluations with impression of participant's ability to be an adequate transplant candidate (within six (6) months of request date).

(B) The request for transplantation will be reviewed by [DMS]/MHD and the transplant facility advised in writing of the decision. An agreement will be issued on a case-by-case basis for approved transplants.

(4) Reimbursement.

(A) Facility.

1. Reasonable charges will be paid by the [Medicaid program]/MO HealthNet Division up to a maximum cap amount for the type of transplant authorized as listed [in subparagraph (4)(A)1.A.] in the Transplant Provider Manual at <http://manuals.momed.com/manuals/>. The cap will cover the costs associated with the transplant for the patient's hospitalization from the date of the transplant procedure until the date of discharge [except as further defined in paragraph (4)(A)2]. These charges will include organ procurement, donor costs or both, inpatient surgery costs, and all postsurgical hospital costs as defined in the provider program manual.

<i>[A. Type of Transplant]</i>	<i>Maximum Cap Amount</i>
<i>Kidney</i>	<i>\$ 39,000</i>
<i>Heart</i>	<i>\$100,000</i>
<i>Bone Marrow</i>	<i>\$100,000</i>
<i>Liver</i>	<i>\$100,000</i>
<i>Lung</i>	<i>\$100,000]</i>

[B./A. Reimbursement for multiple organ transplants involving a transplant covered in subsection (2)(B), may not exceed the maximum of highest coverage for highest single transplant[, that is, heart/kidney = \$100,000 cap].

2. Payment for all other transplant-related medical services provided prior to the date of the transplant surgery or subsequent to the date of discharge will be made at established [Medicaid] MO HealthNet Division reimbursable rates, excluding the period and reimbursement set out in [subparagraph (4)(A)1.A.] and otherwise subject to the limitations as defined in the appropriate provider program manuals.

(B) Physician. Payment for the physician's services for the actual transplant surgery will be [determined through a medical review by the DMS physician consultant] made at established MO HealthNet Division reimbursable rates.

**AUTHORITY:** sections 208.153 and 208.201, RSMo Supp. [1990] 2013. This rule was previously filed as 13 CSR 40-81.035. Emergency rule filed April 2, 1986, effective April 12, 1986, expired Oct. 10, 1986. Original rule filed April 2, 1986 effective June 28, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 12, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in

support of or in opposition to this amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No Public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 3—Conditions of Provider Participation,**  
**Reimbursement and Procedure of**  
**General Applicability**

**PROPOSED RULE**

**13 CSR 70-3.250 Payment Policy for Early Elective Delivery**

**PURPOSE:** This rule establishes the MO HealthNet payment policy for early elective delivery provided in any setting. The goal of this payment policy is to improve health outcomes for both the mother and child.

(1) The following definition(s) will be used in administering this rule:

(A) Early Elective Delivery—a delivery by induction of labor without medical necessity followed by vaginal or Caesarean section delivery or a delivery by Caesarean section before thirty-nine (39) weeks gestation without medical necessity.

(2) Early elective deliveries, or deliveries before thirty-nine (39) weeks gestation without a medical indication, shall not be reimbursed by the MO HealthNet Division (MHD). Those delivery-related services shall be denied or recouped by MHD. Non-payment includes services billed by the delivering physicians/provider and the delivering institution.

(3) Services determined to be caused by Early Elective Delivery—

(A) All services provided during the delivery-related stay at the delivering institution for maternal care related to an early elective delivery shall not be reimbursed by MHD. Non-payment or recoupment includes obstetric and institutional or facility charges; and

(B) Non-routine newborn services provided for newborns during the initial delivery-related stay at the delivering institution for conditions resulting from an early elective delivery and that are identified within seventy-two (72) hours of delivery may be subject to review and recoupment. Non-payment or recoupment includes facility or institutional charges.

(4) Payment for delivery prior to thirty-nine (39) weeks shall only be made if delivery is medically indicated.

(A) Services must be consistent with accepted health care practice standards and guidelines. MHD, through consultants, including expertise in obstetrics and pediatrics/neonatology, shall audit deliveries prior to thirty-nine (39) weeks gestational age that are billed to MHD for medical necessity and review those that would potentially be denied due to questions regarding medical necessity and non-routine services provided for newborns during the initial delivery related stay. Documentation must adequately demonstrate sufficient evidence of medical necessity to justify delivery prior to thirty-nine (39) weeks. Evidence shall include information of substantial nature about the pregnancy-complicating condition which is directly associated with the need for delivery prior to thirty-nine (39) weeks. Delivery will be considered medically necessary if without delivery, the mother or child would be adversely affected (significant and immediate impact on the normal function of the body, illness, infection, mortality).

(B) Delivery must be demonstrated to be—

1. Of clear clinical benefit and required for reasons other than convenience of the patient, family, or medical provider;

2. Appropriate for the pregnancy-complicating condition in question; and

3. Conform to the standards of generally accepted obstetrics practice as supported by applicable medical and scientific literature and as included in the MO HealthNet provider manuals and bulletins, which are incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO. 65109, at its website [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), dated April 15, 2013.

(C) The determination of services caused by Early Elective Delivery shall be a final decision of the MO HealthNet Division.

(5) If a newborn or mother or both are transferred to another hospital for higher level care following standard medical practice, the receiving hospital shall not be subject to this early elective delivery policy. The hospital receiving the transfer shall be reimbursed following MHD reimbursement rules.

*AUTHORITY: section 208.201, RSMo Supp. 2013. Original rule filed March 12, 2014.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: We have received information from one (1) large metropolitan hospital system and one (1) medium rural system. These costs relate totally to computer/information technology (IT) costs. The large system estimated their IT costs to be ten thousand two hundred dollars (\$10,200) and the rural system said they would incur no additional costs. The average IT cost would be five thousand one hundred dollars (\$5,100) per provider for compliance. Therefore, with one hundred forty-two (142) hospitals in the state of Missouri, the total IT cost would be seven hundred twenty-four thousand two hundred dollars (\$724,200).*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13 - Department of Social Services  
**Division Title:** Division 70 - MO HealthNet Division  
**Chapter Title:** Chapter 3 – Conditions of Provider Participation, Reimbursement, and Procedure of General Applicability

<b>Rule Number and Title:</b>	13 CSR 70-3.250 Payment Policy for Early Elective Delivery
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>142</b>	<b>Hospitals</b>	<b>\$724,200.00</b>

**III. WORKSHEET**

<b>No. of Facilities</b>	<b>Cost per Provider</b>	<b>Total</b>
142	\$5,100.00	\$724,200.00

**IV. ASSUMPTIONS**

We have received information from one large metropolitan hospital system and one medium rural system. These costs relate totally to computer/IT costs. The large system estimated their IT costs to be \$10,200.00 dollars and the rural system said they would incur no additional costs. The average IT cost would be \$5,100.00 per provider for compliance. Therefore, with 142 hospitals in the State of MO, the total IT cost would be seven hundred thirty-four thousand four hundred dollars (\$724,200.00).

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.400 Letter of Intent Process.** The committee proposes to add section (7), and renumber sections (7) to (8) and (8) to (9).

*PURPOSE:* The committee proposes to amend this rule to expand the procedure for reviewing Letters of Intent for new long-term care bed proposals.

(7) For each LOI for new or additional long-term care beds which indicates that special exceptions apply, the CON staff shall forward the LOI and all supporting documents to the special exceptions subcommittee of the committee established under 19 CSR 60-50.415 (subcommittee). The subcommittee shall review the statement of special exception submitted with the LOI at a meeting of the subcommittee. The subcommittee shall determine whether or not the special exceptions are sufficient to permit the applicant to file a full CON application under 19 CSR 60-50.430. If the subcommittee determines that the special exceptions are not sufficient to permit the applicant to file a full CON application, the decision shall be delivered to the applicant as provided in 19 CSR 60-50.600(4). If the subcommittee determines that the special exceptions are sufficient to permit the applicant to file a full CON application under 19 CSR 60-50.430, the decision shall be delivered to applicant as provided in 19 CSR 60-50.600(4) and the applicant may thereafter file such full CON application. Any full CON application filed in the absence of a determination by the subcommittee required under this section shall be treated as a nonconforming application under 19 CSR 60-50.420(2).

[(7)](8) Nonsubstantive projects are waived from review by the authority of section 197.330.1(8), RSMo, and any projects seeking such a determination shall submit information through the LOI process; those meeting the nonsubstantive definition shall be posted for review on the CON website at least twenty (20) days in advance of the committee meeting when they are scheduled to be confirmed by the committee.

[(8)](9) The following forms cited in this rule are incorporated by reference and published by the Certificate of Need Program (CONP), October 1, 2009, and may be downloaded from [<http://www.dhss.mo.gov/CON/Forms.html>] <http://health.mo.gov/information/boards/certificateofneed/forms.php>, obtained by mailing a written request with a self-addressed stamped envelope to CONP, PO Box 570, Jefferson City, MO 65102-0570, or acquired in person at the CONP Office, 3418 Knipp Drive, Jefferson City, Missouri, (573) 751-6403. This rule does not include any later amendments or additions.

(A) LTC Facility Expansion Certification (Form MO 580-2351).

(B) Purchase Agreement (Form MO 580-2352).

(C) Periodic Progress Report (Form MO 580-1871).

*AUTHORITY:* section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 10, 2014.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions twenty-nine thousand one hundred seventy-five dollars (\$29,175) annually with adjustments for inflation for the life of the rule.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PUBLIC COST**

**I. Department Title:** 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES  
**Division Title:** 60 – Missouri Health Facilities Review Committee  
**Chapter Title:** 50 – Certificate of Need Program

<b>Rule Number and Name:</b>	19 CSR 60-50.400 Letter of Intent Process
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State of Missouri	<b>\$29,175 (reduction in fees collected annually with adjustments for inflation for the life of the rule)</b>

**III. WORKSHEET**Application Fees

27 proposals x 20% = 5

5 x \$5,835 = \$29,175

**IV. ASSUMPTIONS**

If this amendment is interpreted to allow the subcommittee to determine whether or not special exceptions to the occupancy and bed need criteria are sufficient to permit the filing of a full CON application for new long-term care beds, it would also make a CON application which does not have such a determination a nonconforming application to be either returned or denied.

Assumes there would be 27 proposals to be considered each year based on the average number of new bed proposals for the past three years that did not meet the bed need and occupancy criteria.

Assumes that 20% of new bed proposals considered would not be permitted to file an application for which an application fee is required.

Assumes an average application fee of \$5,835 for each proposal, based on the average fee for new bed projects for the past three years.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.410 Letter of Intent Package.** The committee is amending sections (1) and (6), adding a new section (5), and renumbering thereafter.

*PURPOSE:* The committee proposes to amend this rule to expand information required for a Letter of Intent package submission for new bed proposals.

(1) The Letter of Intent (LOI) (Form MO 580-1860, incorporated by reference) shall be completed as follows:

(D) Project Description: information which provides details of the number of beds to be added, deleted, or replaced, square footage of new construction and/or renovation, services affected, and equipment to be acquired. **If an application for new or additional long-term care beds, confirm that the bed need and bed occupancy standards have been met or that special exceptions exist.** If a replacement project, information which provides details of the facilities or equipment to be replaced, including name, location, distance from the current site, and its final disposition;

(F) Authorized Contact Person Identification: the full name, title, address (including association), telephone number, email, and fax number; *[and]*

(G) Applicability: *[P]*page 2 of the LOI must be filled out by applicants requesting a non-applicability review to provide the reason and rationale for the exemption or exception being sought.; **and**

**(H) Special Exceptions: if the LOI indicates that special exceptions apply, applicant shall attach a separate sheet with a complete explanation of all reasons for such special exceptions.**

**(5) If the LOI relates to new or additional long-term care beds, applicant shall submit documentation of the need for such beds and the average occupancy of all licensed beds in the appropriate category within the fifteen- (15-) mile radius of the project site as provided in 19 CSR 60-50.450(1).**

*[(5)](6)* The LOI must have an original signature for the contact person including an electronic signature.

*[(6)](7)* The following forms cited in this rule are incorporated by reference and published by the Certificate of Need Program (CONP), *[October 1, 2009]* **October 30, 2014** and may be downloaded from <http://www.dhss.mo.gov/CON/Forms.html>, obtained by mailing a written request with a self-addressed stamped envelope to CONP, PO Box 570, Jefferson City, MO 65102-0570, or acquired in person at the CONP Office, 3418 Knipp Drive, Jefferson City, Missouri, (573) 751-6403. This rule does not include any later amendments or additions.

(A) Letter of Intent (Form MO 580-1860).

(B) Proposed Expenditures (Form MO 580-2375).

*AUTHORITY:* section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 10, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED RULE**

**19 CSR 60-50.415 Special Exceptions Subcommittee**

*PURPOSE:* This rule proposes to establish the Special Exceptions Subcommittee.

(1) The chair of the committee is authorized to appoint a Special Exceptions Subcommittee (subcommittee) as follows:

(A) Each member of the subcommittee shall be a member of the committee in good standing; and

(B) The subcommittee shall have three (3) members, one (1) of whom shall be a member of the senate and one (1) of whom shall be a member of the house.

(2) The subcommittee shall meet from time-to-time in person or by telephone to consider Letters of Intent (LOIs) for new or additional long-term care beds which state that special exceptions apply. The subcommittee is authorized to make a decision as described in 19 CSR 60-50.400(7) for each LOI for new or additional long-term care beds which indicates that special exceptions apply.

*AUTHORITY:* section 197.320, RSMo 2000. Original rule filed March 10, 2014.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions eight hundred thirty-seven dollars (\$837) annually with adjustments for inflation for the life of the rule.

*PRIVATE COST:* This proposed rule will cost private entities three thousand five hundred dollars (\$3,500) annually with adjustments for inflation for the life of the rule.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES  
**Division Title:** 60 – Missouri Health Facilities Review Committee  
**Chapter Title:** 50 – Certificate of Need Program

<b>Rule Number and Name:</b>	19 CSR 60-50.415 Special Exceptions Subcommittee
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health and Senior Services	\$837 annually with adjustments for inflation for the life of the rule.

**III. WORKSHEET****Conference Call Cost**

8 phone lines x (100 min x 100%) x \$.09/minute =	\$72.00
10 phone lines x (100 min x 75%) x \$.09/minute =	67.50
Cost per meeting =	\$139.50
Meetings per year	x 6
Cost per year =	\$837.00

**IV. ASSUMPTIONS**

This rule would add subcommittee meetings for the consideration of Letters of Intent for new long-term care beds which state that a special exception to the occupancy and bed need criteria applies.

Assumes there would be six meetings per year, based on six scheduled Letter of Intent cut-off dates and the projected number of proposals.

Assumes there would be five proposals to consider at each meeting, based on the average number of Letters of Intent for new beds received.

Assumes the Special Exceptions Subcommittee meetings would be conducted by telephone.

Assumes each meeting would last for 100 minutes (20 minutes per proposal), based on experience with other meetings for which proposals are discussed.

Assumes there would be eight telephone lines used for the entire meeting, and ten lines used for 75% of the meeting based on anticipated number of attendees.

Assuming the conference call rate per telephone per minutes would be \$.09, based on current rate.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division Title: 60 – Missouri Health Facilities Review Committee**  
**Chapter Title: 50 – Certificate of Need Program**

<b>Rule Number and Name:</b>	19 CSR 60-50.415 Special Exceptions Committee
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>14 annually</b>	<b>Private long-term care facilities</b>	<b>\$3,500 annually with adjustments for inflation for the life of the rule.</b>

**III. WORKSHEET**

Consultant Fees to Attend Meetings of the Subcommittee

27 total LOIs to address/year x 92% (private entity proposals) = 25

25 x 54% proposals with consultant contact = 14

1.67 hours (meeting length) x 75% (attendance by consultant) = 1.25 hours

\$200/hour x 1.25 hours = \$250/proposal

14 proposals x \$250 = \$3,500

**IV. ASSUMPTIONS**

This rule would add subcommittee meetings for the consideration of Letters of Intent for new long-term care beds which state that a special exception to the occupancy and bed need criteria applies.

Assumes there would be 27 proposals to be considered each year based on the average number of proposals for the past three years that did not meet the bed need and occupancy criteria.

Assumes that 92% of proposals heard are for private entities, based on percentage of applications by private entities each year.

Assumes that 54% of proposals heard at the meetings use consultant/attorney assistance based on historical data.

Assumes a consultant/attorney rate of \$200 per hour.

Assumes each meeting would last for 100 minutes or 1.67 hours (20 minutes per proposal), based on experience with other meetings.

Assumes that consultants would attend 75% of the meeting for which the project is heard.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.420 Review Process.** The committee proposes to amend sections (2) and (10).

*PURPOSE: The committee proposes to amend this rule to expand the definition of a non-conforming application and change factors the committee may consider.*

(2) A CON application filing that does not substantially conform with the LOI **and these regulations**, including any change in owner(s), operator(s), scope of services, *[or]* location, **or requirements with regard to special exceptions for new or additional long-term care beds** shall not be considered a CON application and shall be subject to the following provisions:

(A) The Certificate of Need Program (CONP) staff *[shall]* **may** return any nonconforming submission; or

(10) In addition to using the Community Need Criteria and Standards as guidelines, the committee may also consider other factors to include, *[but not be limited to, the number of patients requiring treatment, the changing complexity of treatment, unique obstacles to access, competitive financial consideration, or the specialized nature of service.]* **the needs of residents based upon religious considerations, residents with HIV/AIDS, or mental health diagnoses and special exceptions to the Community Need Criteria and Standards for new or additional long-term care beds but only to the extent approved by the subcommittee under 19 CSR 60-50.400(7).**

*AUTHORITY: section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed March 10, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at CONP@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.430 Application Package.** The committee proposes to amend sections (2), (4), (7), and (8).

*PURPOSE: The committee proposes to change the projected population used, correct contact information and website address, amend the population calculation, and change factors the committee may consider.*

(2) A written application package consisting of *[an original and eleven (11) copies (comb or three ring binder) or]* an electronic file in PDF format **or a paper original** shall be prepared and organized as follows:

(B) The application package should use one (1) of the following CON Applicant's Completeness Checklists and Table of Contents appropriate to the proposed project, as follows:

1. New Hospital Application (Form MO 580-2501, incorporated by reference);

2. New or Additional Long-Term Care (LTC) Bed Application (Form MO 580-2502, incorporated by reference). Use this for Residential Care, Assisted Living, Intermediate Care, and Skilled Nursing Facilities and Long-Term Care Hospitals;

3. New or Additional Long-Term Care Hospital (LTCH) Bed Application (also use Form MO 580-2502);

4. New or Additional Equipment Application (Form MO 580-2503, incorporated by reference);

**5. Expedited LTC Bed Replacement/Expansion Application (Form MO 580-2504);**

**[5.]6. Expedited LTC Renovation/Modernization Application (Form MO 580-2505, incorporated by reference); or**

**[6.]7. [Expedited] Equipment Replacement Application (Form MO 580-2506, incorporated by reference).**

(4) The Proposal Description shall include documents which:

(C) Proposals for new hospitals, new or additional long-term care (LTC) beds, or new major medical equipment must define the community to be served:

1. Describe the service area(s) population using year *[2015]* **2020** populations and projections which are consistent with those provided by the Bureau of *[Health Informatics]* **Vital Statistics** which can be obtained by contacting:

Chief, Bureau of *[Health Informatics]* **Vital Statistics**  
Section of *[Public Health Practice and Administrative Support (SPHPAS)]* **Epidemiology for Public Health Practice (SEPHP)**

Division of Community and Public Health  
Department of Health and Senior Services  
PO Box 570, Jefferson City, MO 65102  
Telephone: (573) 751-/6299/6272

There will be a charge for any of the information requested, and seven to fourteen (7-14) days should be allowed for a response from *[SPHPAS]* **SEPHP**. Information requests should be made to *[SPHPAS]* **SEPHP** such that the response is received at least two (2) weeks before it is needed for incorporation into the CON application.

2. Use the maps and population data received from *[SPHPAS]* **SEPHP** with the CON Applicant's Population Determination Method to determine the estimated population for LTC projects, as follows:

A. Utilize all of the population for zip codes entirely within the fifteen- (15-)/- mile radius for LTC beds or geographic service area for hospitals and major medical equipment;

B. Reference a state highway map (or a map of greater detail) to verify population centers (see Bureau of *[Health Informatics]* **Vital Statistics**) within each zip code overlapped by the fifteen- (15-)/- mile radius or geographic service area;

C. Categorize population centers as either "in" or "out" of the fifteen- (15-)/- mile radius or geographic service area and remove the population data from each affected zip code categorized as "out;"/-;

D. Estimate, to the nearest ten percent (10%), the portion of

the zip code area that is within the fifteen- (15-)/-/ mile radius or geographic service area by “eyeballing” the portion of the area in the radius (if less than five percent (5%), exclude the entire zip code);

E. Multiply the remaining zip code population (total population less the population centers) by the percentage determined in subparagraph (4)(C)2.D. (Due to numerous complexities, population centers will not be utilized to adjust overlapped zip code populations in Jackson, **Clay**, St. Louis, and St. Charles counties or St. Louis City; instead, the total population within the zip code will be considered uniform and multiplied by the percentage determined in subparagraph (4)(C)2.D.);

F. Add back the population center(s) “inside” the radius or region for zip codes overlapped; and

G. The sum of the estimated zip codes, plus those entirely within the radius, will equal the total population within the fifteen- (15-)/-/ mile radius or geographic service area.

3. Provide other statistics, such as studies, patient origin, or discharge data, Hospital Industry Data Institute’s information, or consultants’ reports, to document the size and validity of any proposed user-defined “geographic service area;”[;]

(7) In addition to using the Community Need Criteria and Standards as guidelines, the committee may also consider other factors to include, *[but not be limited to, the number of patients requiring treatment, the changing complexity of treatment, unique obstacles to access, competitive financial consideration, or the specialized nature of service.] the needs of residents based upon religious considerations, residents with HIV/AIDS, or mental health diagnoses and special exceptions to the Community Need Criteria and Standards for new or additional long-term care beds but only to the extent approved by the subcommittee under 19 CSR 60-50.400(7).*

(8) The following forms cited in this rule are incorporated by reference and published by the Certificate of Need Program (CONP), *[October 1, 2009] October 30, 2014*, and may be downloaded from *[http://www.dhss.mo.gov/CON/Forms.html] http://health.mo.gov/information/boards/certificateofneed/forms.php*, obtained by mailing a written request with a self-addressed stamped envelope to CONP, PO Box 570, Jefferson City, MO 65102-0570, or acquired in person at the CONP Office, 3418 Knipp Drive, Jefferson City, Missouri, (573) 751-6403. This rule does not include any later amendments or additions.

**(D) Expedited LTC Bed Replacement/Expansion Application (Form MO 580-2504).**

*[(D)](E) Expedited LTC Renovation/Modernization Application (Form MO 580-2505).*

*[(E)](F) [Expedited] Equipment Replacement Application (Form MO 580-2506).*

*[(F)](G) Applicant Identification and Certification (Form MO 580-1861).*

*[(G)](H) Representative Registration (Form MO 580-1869).*

*[(H)](I) Proposed Project Budget (Form MO 580-1863).*

**AUTHORITY:** section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 10, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.440 Criteria and Standards for Equipment and New Hospitals.** The committee proposes to amend sections (1) and (4).

**PURPOSE:** This committee proposes to amend the rule to change the projected population used.

(1) For new units or services in the service area, use the following methodologies:

(A) The population-based need formula should be (Unmet need =  $(R \times P) - U$ ) where:

P = Year *[2015] 2020* population in the service area(s). Use population in 19 CSR 60-50.430;

U = Number of service units in the service area(s); and

R = Community need rate of one (1) unit per population listed as follows:

1. Magnetic resonance imaging unit	28,000
2. Positron emission tomography/computed tomography unit	224,000
3. Lithotripsy unit	486,000
4. Linear accelerator unit	78,000
5. Cardiac catheterization lab	42,000
6. Gamma knife	1,947,000
7. Computed tomography	15,000

(4) For the construction of a new hospital, the following questions should be answered:

(D) What is the unmet need according to the following population-based bed need formula using (Unmet Need =  $(R \times P) - U$ ), where:

P = Year *[2015] 2020* population in the service area;

U = Number of beds in the service area; and

R = Community need rate of one (1) bed per population in the service area as follows:

1. Medical/surgical bed	570
2. Pediatric bed	8,330
3. Psychiatric bed	2,080
4. Substance abuse/chemical dependency bed	20,000
5. Inpatient rehabilitation bed	9,090
6. Obstetric bed	5,880

**AUTHORITY:** section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 10, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.450 Criteria and Standards for Long-Term Care.** The committee is proposing to amend section (1).

**PURPOSE:** The committee is proposing to add criteria for approval of new long-term care bed projects.

(1) The following population-based long-term care bed need methodology for the fifteen- (15-)/- mile radius shall be used to determine the maximum size of the need:

(B) Approval of additional residential care facilities/assisted living facilities (RCF/ALF) beds will be based on a service area need determined to be twenty-five (25) beds per one thousand (1,000) population age sixty-five (65) and older minus the current supply of RCF/ALF beds shown in the Six-Quarter Occupancy of Residential Care and Assisted Living Facility Licensed and Available Beds as provided by the CONP which includes licensed and CON-approved beds; *[and]*

(C) Approval for Long-Term Care Hospital (LTCH) beds, as described in 42 CFR, section 412.23(e), will be based on a service area need determined to be one-tenth (0.1) bed per one thousand (1,000) population minus the current supply of LTCH beds shown in the Six-Quarter Occupancy of Long-Term Care Hospital Facility Licensed and Available Beds as provided by the CONP which includes licensed beds and CON-approved beds; *[and]*

(D) Additional ICF/SNF or RCF/ALF beds will be approved only if the average occupancy of all licensed and available beds in the appropriate category in the service area equals or exceeds eighty-three percent (83%) for the most recent four (4) consecutive calendar quarters as shown in the Six-Quarter Occupancy of Hospital and Nursing Home Licensed and Available Beds as provided by the CONP.

**AUTHORITY:** section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 10, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson

City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.600 Certificate of Need Decisions.** The committee proposes to add section (4).

**PURPOSE:** The committee proposes to amend this rule to state when the subcommittee would make a decision on special exceptions, and adds a notification procedure.

(4) The subcommittee shall make a decision as described in 19 CSR 60-50.400(7) for each Letter of Intent (LOI) for new or additional long-term care beds which indicates that special exceptions apply within one hundred thirty (130) calendar days after such LOI is filed and subsequently notify the applicant by providing by mail or email either a statement that the special exceptions are sufficient to permit a full CON application to be filed or that the special exceptions are not sufficient.

**AUTHORITY:** section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 10, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**PROPOSED AMENDMENT**

**19 CSR 60-50.700 Post-Decision Activity.** The committee proposes to amend section (2).

**PURPOSE:** The committee proposes to amend this rule to limit the number of extensions for capital expenditure deadlines.

(2) Applicants who have been granted a CON and fail to incur a capital expenditure within six (6) months may request *[an]* one (1) extension of six (6) months by submitting a letter to the committee outlining the reasons for the failure, with a listing of the actions to

be taken within the requested extension period to insure compliance. The Certificate of Need Program (CONP) staff on behalf of the committee will analyze the request and grant *[an]* **one (1)** extension, if appropriate. Applicants may request **not more than two (2)** additional **six (6) month** extensions and must provide additional financial information plus other documentation describing delays.

*AUTHORITY: section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 10, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities eighty thousand thirty-six dollars (\$80,036) annually with adjustments for inflation for the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, PO Box 570, Jefferson City, MO 65102, by faxing (573) 751-7894, or via email at [CONP@health.mo.gov](mailto:CONP@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

### FISCAL NOTE PRIVATE COST

**I. Department Title:** 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES  
**Division Title:** 60 – Missouri Health Facilities Review Committee  
**Chapter Title:** 50 – Certificate of Need Program

<b>Rule Number and Name:</b>	19 CSR 60-50.700 Post-Decision Activity
<b>Type of Rulemaking:</b>	Proposed Amendment

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>5 annually</b>	<b>Private Long-term Care Facilities</b>	<b>\$80,036 annually with adjustments for inflation for the life of the rule.</b>

### III. WORKSHEET

#### CON Application Fees

\$240,108 application fees for CON projects needing more than 3 extensions in 36 months / 3 years = \$80,036/year

### IV. ASSUMPTIONS

This amendment would limit the capital expenditure deadline extensions on all CON projects to three extensions.

Assumes all CON projects that did not incur a capital expenditure by the third extension deadline, would reapply for a CON.

Assumes the amount of fees for reapplications would total \$80,036 annually based on application fees submitted for projects needing extensions beyond the third extension that were heard in the past 36 months.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 10—Food Safety and Meat Inspection

### ORDER OF RULEMAKING

By the authority vested in the Director of Agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

#### 2 CSR 30-10.010 Inspection of Meat and Poultry is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2014 (39 MoReg 68). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

### ORDER OF RULEMAKING

By the authority vested in Weights and Measures Division under section 414.142, RSMo 2000, the director amends a rule as follows:

#### 2 CSR 90-30.040 Quality Standards for Motor Fuels is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1099). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) day after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received nineteen (19) comments in support of the proposed amendment and nine (9) comments in opposition. No changes to the rule have been made as a result of these comments.

COMMENTS #1-19: The department received nineteen (19) letters from individuals in support of the proposed amendment. These commenters include Wayne and Mary Burster of New Cabria, Missouri; Mary Barbieri; Ryland Utlaut, President and General Manager of Mid Missouri Energy, Malta Bend, Missouri; Richard Hanson, General Manager of Show Me Ethanol, LLC, Carrollton, Missouri; Glenn and Luquetta Ewigman of Brookfield, Missouri; Kent Dye of Paris, Missouri; Diane Eggleston of Memphis, Missouri; Kristen Moore, Vice President of Technical Services of the Renewable Fuels Association; John Eggleston, President of Poet Biorefining, Macon, Missouri; Wayne and Dixie Blum of Kahoka, Missouri; Michelle Curry of Memphis, Missouri; Stephen Murphy, General Manager of Poet Biorefining, Laddonia and Macon, Missouri; Matt Gerhold, Commodity Manager of Poet Biorefining, Macon, Missouri; Pamela Sampson of Macon, Missouri; Heather Baker of Macon, Missouri; Glenn Peterman of Macon, Missouri; Scott Warren of Macon, Missouri; Ed Kacmar; and Robb Korff, President of the Missouri Corn Growers Association. The commenters indicated this proposal will continue to create jobs in our rural communities, provide more choices for retailers and consumers, lower fuel costs, reduce greenhouse gas emissions, and allow a fuel tested in multiple vehicles and approved by the U.S. EPA to be sold. Commenters also stated ethanol reduces dependency on foreign fossil fuels, has created six (6) ethanol plants in Missouri and twelve hundred (1,200) Missouri jobs, is a domestic fuel, and added that Missouri's corn and ethanol industries provided \$12 billion to the state's economy, along with ethanol co-products which provide highly nutritious animal feed.

RESPONSE: No changes to the rule have been made as a result of these comments.

COMMENT #20: Michael J. Right, Vice President, Public Affairs of AAA opposed the amendment for the following reasons: 1) Consumers should be informed and protected. 2) E15 should not be used in vehicles in which it is not approved. 3) Retailers will incur increased costs associated with selling E15. 4) There are a limited number of vehicles on the road that can use E15.

RESPONSE: 1) The department will require dispensers used for the sale of E15 to conspicuously label the name of the product (E15) and display the EPA approved and required E15 decal, and will monitor and address any dispensers that do not display this decal on any dispenser used for the sale of E15. 2) The department agrees with your comment that E15 should not be used in vehicles in which it is not approved, and is offering the proposed amendment to allow the sale of a legal fuel to consumers who wish to use it only in vehicles designed for its use. As with any fuel, the department advises consumers to check their owner's manuals to determine if their vehicle is approved to use E15. 3) Since this proposed amendment permits the sale of E15 but does not mandate it, costs to small business owners can only be incurred if a station chooses to install equipment and sell E15. 4) All flex fuel vehicles are capable of using E15, Ford has introduced E15 capability across their entire lineup of vehicles for 2013, and Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. No

changes to the rule have been made as a result of this comment.

**COMMENT #21:** Ray McCarty, President/CEO of Associated Industries of Missouri, opposed the amendment because of increased costs to employers using gasoline, concerns regarding a sufficient warning for consumers, and misfueling that could potentially occur at fueling stations.

**RESPONSE:** This proposed amendment permits the sale of E15, but does not require it. Any potential impact from E15 could only be realized by employers that choose to purchase E15 for their vehicles. Regular unleaded fuel will still be available in Missouri. The department will continue to ensure all retail dispensing devices conspicuously identify the name of the product, the particular grade of the product as designated, and when applicable the minimum octane. The U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. The department will monitor and address any dispensers that do not conform to the federal requirements. No changes to the rule have been made as a result of this comment.

**COMMENT #22:** Jewell Patek of the Auto Alliance opposed the amendment citing concerns that E15 may be used in vehicles not designed for the fuel, and the limited number of vehicles that can currently use the fuel. He suggested that a label be added to dispensers referring consumers to their owner's manual.

**RESPONSE:** To prevent misfueling beyond those of the U. S. EPA, the Missouri Department Agriculture's Petroleum Device/Safety Program is the only consumer protection division in the United States that conducts two (2) or more inspections per year at every dispensing facility on every device with a compliance rate greater than ninety-eight percent (98%). In addition, the department's Fuel Quality Program inspects stations at a frequency of about every eighteen (18) months. Both program's inspections insure products are properly labeled during each inspection. These programs will monitor and address any dispensers that do not conspicuously label the name of the product (E15), and conform to the federal requirements. The proposed amendment allows the sale of a legal fuel to consumers who wish to use it only in vehicles designed for its use. The suggestion of a check owner's manual decal was considered, but like you, the department feels the usefulness of such a label is limited. Additionally, fuels such as E85 do not require any such label in Missouri. As with any fuel, consumers must always consult their owner's manuals to select the appropriate fuel for their vehicle. No changes to the rule have been made as a result of this comment.

**COMMENT #23:** Anthony T. Reinhart, Regional Director of Ford Motor Company wrote in support of the increased use of renewable fuels, but suggested that pump labels state "Consult your Owner Guide for vehicle compatibility." Additionally, he referred to the limited number of vehicles on the road that can use E15, and that adequate pump labeling appear in a conspicuous place to prevent misfueling.

**RESPONSE:** The suggestion of a check owner's manual decal was considered, but the department feels the usefulness of such a label is limited. Additionally, fuels such as E85 do not require any such label in Missouri. The department will require all dispensers used for the sale of E15 to conspicuously label the name of the product (E15) and clearly display the EPA E15 label. The Missouri Department of Agriculture's Petroleum Device/Safety program has the best compliance rate in the nation with a compliance rate greater than ninety-eight percent (98%). In addition, the department's Fuel Quality Program inspects stations at a frequency of about every eighteen (18) months. Both programs insure products are properly labeled during each inspection. These programs will monitor and address any dispensers that do not conspicuously label the name of the product (E15), and conform to the federal requirements. While most cars cannot use E15, all flex fuel vehicles are capable of using E15, and as Mr. Reinhart stated, Ford has introduced E15 capability across

their entire lineup of vehicles for 2013. Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. No changes to the rule have been made as a result of this comment.

**COMMENT #24:** John M. Cabaniss, Jr. of the Association of Global Automakers, Inc. opposed the proposed amendment stating that additional testing must be completed on the fuel, appropriate measures to prevent misfueling must be put in place, and E15 should be increased prospectively because most vehicles cannot use it.

**RESPONSE:** The department is offering the proposed amendment to allow the sale of a legal fuel to consumers who wish to use it only in vehicles designed for its use. The department's Petroleum Device/Safety Program has the best compliance rate in the nation with a compliance rate greater than ninety-eight percent (98%). In addition, the department's Fuel Quality Program inspects stations at a frequency of about every eighteen (18) months. Both program's inspections insure products are properly labeled during each inspection. These programs will monitor and address any dispensers that do not conspicuously label the name of the product (E15) and conform to the federal requirements. While most cars cannot use E15, all flex fuel vehicles are capable of using E15, Ford has introduced E15 capability across their entire lineup of vehicles for 2013, and Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. No changes to the rule have been made as a result of this comment.

**COMMENT #25:** Jo Manhart, Director of the Missouri Egg Council opposed the proposed amendment stating that anything that promotes more ethanol will ultimately increase feed costs to livestock and push up the price of the nation's food supply.

**RESPONSE:** While prices for commodities like corn are based largely on supply and demand, they are not solely linked to ethanol consumption. Even with US ethanol consumption at historic levels, an August 8, 2013 Bloomberg report states: "U.S. farmers are poised to reap their biggest-ever corn crop, expanding global stockpiles to the most in 13 years and spurring hedge funds and other speculators to make record bets that prices will keep slumping." It further states: "R.J. O'Brien & Associates in Chicago, the U.S. grain-trading hub, says futures may drop as much as 24 percent to \$3.50 a bushel this year." Additional ethanol consumption will be required to meet the federal Renewable Fuel Standard (RFS2) which requires increasing amounts of renewable fuels to be blended into the US fuel supply; from nine (9) billion gallons in 2008 to thirty-six (36) billion in 2022. This proposed amendment will help meet these requirements and allow the sale of a legal fuel to consumers who wish to use it in vehicles designed for its use. No changes to the rule have been made as a result of this comment.

**COMMENT #26:** Ryan C. Rowden, Executive Director of the Missouri Petroleum Council opposed the proposed amendment based on misfueling concerns for pre and post-2001 vehicles, increased costs to small business owners, and the National Conference on Weights and Measures (NCWM) allowance of this fuel prior to CRC testing.

**RESPONSE:** Since this proposed amendment permits the sale of E15 but does not mandate it, costs to small business owners can only be incurred if a station chooses to install equipment and sell E15. The department will require dispensers used for the sale of E15 to conspicuously label the name of the product (E15) and display the EPA E15 decal. This decal states: "Use only in 2001 and newer passenger vehicles and/or flex fuel vehicles. Don't use in other vehicles, boats, or gasoline powered equipment. It may cause damage and is prohibited by Federal Law." The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not display this decal on any dispenser used for the sale of E15.

Equipment currently exists that is approved for E15. Any business owner choosing to use existing equipment is responsible for ensuring all materials used are approved for the type of fuel the system is used for, whether it is for E15, gasoline, diesel, jet fuel, or other fuels. Finally, the NCWM modified its regulations to guide states in the sale of fuel that was legal at the time the regulations were modified. Modifications to the American Society for Testing and Materials (ASTM) specifications or information from Coordinating Research Council programs must be reviewed by the NCWM before changes to regulations take place. No changes to the rule have been made as a result of this comment.

COMMENT #27: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum Marketers & Convenience Store Association (MPCA) opposed the proposed amendment for the following reasons: 1) Will create chaos in the marketplace. 2) Car manufacturers oppose E15. 3) AAA opposes E15. 4) Motorcycles, boats and small engines all have issues with E15? 5) Fiscal note is dead wrong for small businesses. 6) Fiscal note is dead wrong for consumers. 7) Gas station equipment is not compatible. 8) Is E15 compatible with Stage I & II vapor recovery equipment? 9) Product & environmental liability. 10) Misfueling: automobile warranties & liability. 11) Misfueling: signage, consumer notice & confusion. 12) Competition. 13) Tank insurance.

RESPONSE: 1) The department's Fuel Quality and Device/Safety Programs will continue to ensure all retail dispensing devices conspicuously identify the name of the product, the particular grade of the product as designated and when applicable the minimum octane. U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. The Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements. The department suggests that vehicle owners consult their owner's manuals to select the appropriate fuel for their vehicle. 2) Chevrolet and Ford are now producing vehicles capable of using E15. Additionally, all flexible fuel vehicles are capable of using E15. Consumers must check their owner's manuals to determine if E15 is right for their vehicle. 3) The department's intent is to allow the sale of a legal fuel to consumers who wish to purchase it for vehicles that are approved to use it. Not all of the two hundred forty (240) million cars, trucks, and SUVs mentioned by AAA are under warranty. As with any fuel, the department recommends following your owner's manual for fuel selection. 4) The department will require dispensers to display the EPA E15 decal. This decal states: "Use only in 2001 and newer passenger vehicles and/or flex fuel vehicles. Don't use in other vehicles, boats, or gasoline powered equipment. It may cause damage and is prohibited by Federal Law." The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not display this decal on any dispenser used for the sale of E15. 5) This proposed amendment permits the sale of E15, but does not mandate it. Costs can only be incurred if a station chooses to install equipment and sell E15. The cost is estimated from zero for an existing system (E85) to one hundred thousand dollars (\$100,000) for a complete system. Equipment currently exists that is approved for E15. Anyone choosing to use existing equipment is responsible for ensuring all materials used are approved for the type of fuel the system is used for, whether it is for E15, gasoline, diesel, jet fuel, or other fuels. 6) U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. Missouri Department of Agriculture's (MDA's) Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements. Additionally, Missouri will allow only dispensers with dedicated pump nozzles. These extra steps will help minimize any accidental misfueling.

7) Stations that choose to market E15 must contact the manufacturer of any equipment for its sale to determine compatibility and warranty information. Since this proposed amendment permits the sale of E15 but does not mandate it, costs can only be incurred by businesses

who choose to sell E15. 8) Station owners in Stage I and Stage II areas that wish to install E15 dispensing systems will need to confirm the compatibility of their equipment with the manufacturer. 9) Originally, federal RFG was required to have a certain amount of oxygen but RFG was never required to use any specific oxygenate. It was the choice of the refiner or marketer to use MTBE, ETBE, TAME, ethanol, or other oxygenates. Any release to the environment of E15 would be similar to E10 or E85. 10) The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements to prevent misfueling. As with any fuel, engine oil, transmission fluid, etc., the department recommends customers follow the recommendations in their vehicles' owner's manual. The department does not require or provide liability language for posting at retail and feels the EPA requirements are very comprehensive. 11) Dispensers utilized for the sale of E15 must follow EPA's and Missouri's labeling requirements. The department will require E15 to be disclosed on street side signage if it is the lower cost product. 12) The department does not interfere with competitive issues other than ensuring a level playing field for the marketers. Product identity is essential for fair competition and consumer protection. 13) Eligibility is the same as for any other fuel. Equipment must be compatible with the product and installation must meet Missouri rules, NFPA 30A, etc. No changes to the rule have been made as a result of this comment.

COMMENT #28: John Bryan, Executive Director of the Poultry Federation of Missouri opposed the proposed amendment for the following reasons: 1) Corn based ethanol drives up food costs. 2) An E15 standard could increase corn-based ethanol use in Missouri by fifty percent (50%). 3) Ethanol is an inefficient fuel source that will not promote responsible energy policy. 4) Misfueling is likely to occur. 5) There are a limited number of vehicles on the road that can use E15.

RESPONSE: 1) While prices for commodities like corn are based largely on supply and demand, they are not solely linked to ethanol consumption. Even with US ethanol consumption at historic levels, an August 8, 2013 Bloomberg report states: "U.S. farmers are poised to reap their biggest-ever corn crop, expanding global stockpiles to the most in 13 years and spurring hedge funds and other speculators to make record bets that prices will keep slumping." It further states: "R.J. O'Brien & Associates in Chicago, the U.S. grain-trading hub, says futures may drop as much as 24 percent to \$3.50 a bushel this year." 2) This proposed amendment does not mandate the sale of E15, but merely allows businesses who choose to sell the fuel to do so. These businesses must ensure equipment used for the sale of E15 is compatible with the fuel. 3) Additional ethanol consumption will be required to meet the federal Renewable Fuel Standard (RFS2) which requires increasing amounts of renewable fuels to be blended into the US fuel supply; from nine (9) billion gallons in 2008 to thirty-six (36) billion in 2022. This proposed amendment will help meet these requirements and allow the sale of a legal fuel to consumers who wish to use it in vehicles designed for its use. No changes to the rule have been made as a result of this comment. 4) The department's Fuel Quality and Device/Safety Programs will continue to ensure all retail dispensing devices conspicuously identify the name of the product, the particular grade of the product as designated and when applicable the minimum octane. The U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements. 5) All flex fuel vehicles are capable of using E15, Ford has introduced E15 capability across their entire lineup of vehicles for 2013, and Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. This proposed amendment gives consumers with these vehicles another choice at the pump. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.140 is amended.

This rule establishes daily limits for fish on four (4) lakes managed by the Department of Conservation and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-12.140 by establishing daily limits on four (4) lakes managed by the department.

**3 CSR 10-12.140 Fishing, Daily and Possession Limits**

(6) The daily limit for white bass, striped bass, and their hybrids in the aggregate is four (4) on the following lakes:

- (A) Cameron (Reservoir No. 3);
- (B) Hamilton (Hamilton City Lake);
- (C) Maysville (Willow Brook Lake);
- (D) St. Louis County (Sunfish Lake); and
- (E) Watkins Mill State Park (Williams Creek Lake).

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed March 7, 2014, becomes effective **March 17, 2014**.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 is amended.

This rule establishes daily limits for fish on five (5) lakes managed by the Department of Conservation and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-12.145 by establishing daily limits on five (5) lakes managed by the department.

**3 CSR 10-12.145 Fishing, Length Limits**

(3) White bass, striped bass, and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on the following lakes:

- (A) Cameron (Reservoir No. 3);
- (B) Hamilton (Hamilton City Lake);

- (C) Maysville (Willow Brook Lake);
- (D) St. Louis County (Sunfish Lake); and
- (E) Watkins Mill State Park (Williams Creek Lake)

(6) Flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville (Higginsville City Lake, Upper Higginsville City Lake), Maysville (Willow Brook Lake), and St. Louis County (Bee Tree Park Lake, Sunfish Lake).

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed March 7, 2014, becomes effective **March 17, 2014**.

**Title 7—DEPARTMENT OF TRANSPORTATION**  
**Division 10—Missouri Highways and Transportation**  
**Commission**

**Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.010 Public Information is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1860–1861). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION**  
**Division 10—Missouri Highways and Transportation**  
**Commission**

**Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.015 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1861–1862). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.020 Directional and Other Official Signs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1862–1863). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.030 On-Premises Signs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1863–1864). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned  
Commercial and Industrial Areas is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1864–1869). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received seven (7) comments on the proposed amendment from Bill May, General Counsel, Missouri Outdoor Advertising Association; Bob Fessler, Vice President/Missouri Territory Manager, Lamar Advertising; Tim Ketchum, Vice President/General Manager, Lamar Advertising; Charles Huffman, Jackson County Resident; David Odegard, Kansas City Resident; and Tony Mariani, Vice President, Drury Displays, Inc. d/b/a DDI Media.

COMMENTS #1–6: Bill May, Bob Fessler, Tim Ketchum, Charles Huffman, David Odegard, and Tony Mariani each submitted a comment requesting that the minimum ad copy duration remain at eight (8) seconds, rather than change to ten (10) seconds.

RESPONSE: Based on the desire to minimize driver distraction for the safety of the traveling public, guidance provided by the Federal Highway Administration, and information gathered from other states, a minimum ad copy duration of ten (10) seconds is in the best interest of Missouri's traveling public. No changes have been made to the rule as a result of these comments.

COMMENT #7: Tony Mariani submitted a comment requesting that the maximum brightness level be consistent with the standards established by the Illuminating Engineering Society of America and adopted by the Outdoor Advertising Association of America.

RESPONSE: Based on research and recommendations from a nationwide report and the status of existing digital billboards in Missouri, as well as considering the safety of the traveling public and MoDOT employees, establishing a maximum brightness level of three hundred (300) candelas per square meter in full white mode is in the best interest of Missouri's traveling public. No changes have been made to the rule as a result of this comment.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty  
Feet (660') of the Right-of-Way is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1870). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.060 Nonconforming Signs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1870–1871). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150 and 226.530, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.070 Permits for Outdoor Advertising is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1871–1873). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.080 Removal of Outdoor Advertising Without Compensation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1873–1874). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections

226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1874–1876). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.090 Administrative Review of Notices to Remove Outdoor Advertising and to Terminate Nonconforming Signs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1876). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 50—Division of Workers' Compensation  
Chapter 2—Procedure**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Workers' Compensation under sections 287.140.4 and 287.650, RSMo Supp. 2013, the division amends a rule as follows:

**8 CSR 50-2.030 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2013 (38 MoReg 2087–2089). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Workers' Compensation received one (1) comment.

COMMENT: A comment was received stating that the five- (5-) day assumption for when notices are deemed received has been misplaced in the rule. The comment states that the five- (5-) day period in the statute refers to the assumption that the period to file the application for additional reimbursement starts no later than five (5) days

after the employer/insurer discounts the provider's original bill and offers or tenders the reduced amount. The comment reiterates that the provider is deemed to have received notice of the employer's/insurer's action within five (5) days after it was sent by certified mail, for starting the one- (1-) year statute of limitations. The comment suggests that the five- (5-) day assumption should be removed from subsection (1)(A) and moved to follow the new sentence in paragraph (1)(B)5, requiring the date of the first notice of dispute to be entered in the provider's application for additional reimbursement.

**RESPONSE AND EXPLANATION OF CHANGE:** Section 287.140.4, RSMo, is the controlling statutory provision that sets forth the statute of limitation period for a health care provider to file an application for additional reimbursement with the division. Section 287.140.4, RSMo, also contains a provision as to when notice is presumed to occur which is no later than five (5) business days after transmission by certified United States mail. Section 287.140.4, RSMo, does not specifically refer to any discounts made to the original bill. The interpretation of the statutory period of limitation in the context of a reasonableness medical fee dispute will be done by the reviewing courts. The division thanks the Missouri Insurance Coalition for its comment and adopts its recommendation. Accordingly, the sentence will be moved from subsection (1)(A) to paragraph (1)(B)5.

#### 8 CSR 50-2.030 Resolution of Medical Fee Disputes

(1) Procedures Pertaining to Applications for Payment of Additional Reimbursement of Medical Fees (Reasonableness Disputes).

(A) If an employer or insurer disputes the reasonableness of a medical fee or charge, the employer or insurer shall notify the health care provider in writing that the medical charge is being disputed and shall explain the basis for the dispute. The employer or insurer may tender partial payment and the health care provider may accept payment of the amount tendered without prejudice to the filing of an application for payment of additional reimbursement of medical fees. Upon receiving the written notice of the dispute, the health care provider may contact the insurer or employer to attempt to resolve the dispute.

(B) In order to initiate a reasonableness dispute case, the health care provider must first submit a Request for Case Status Information on a division-approved form to the division prior to the filing of an application for payment of additional reimbursement of medical fees. The health care provider shall file with the division an original application for payment of additional reimbursement of medical fees. The application shall contain all the following information:

1. The name, address, and telephone number of the health care provider;
2. Name, address, and telephone number of the employer and insurer against whom the application is being filed;
3. Name, address, and Social Security number of the employee for whom health care services were rendered, together with the date of injury and date the services were provided, for all disputes;
4. The amount in dispute;
5. The date the first notice of the dispute of the medical charge was received by the health care provider. Per section 287.140.4(2), RSMo, such notice shall be presumed to occur no later than five (5) business days after transmission by certified United States mail; and
6. Any additional information the division deems necessary to resolve the dispute.

#### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

#### ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission, section

644.026, RSMo Supp. 2013, the Clean Water Commission amends a rule as follows:

10 CSR 20-6.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1534–1548). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. The new fee structure within the rule, if not disapproved by the General Assembly, will become effective January 1, 2015.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held November 6, 2013, and the public comment period ended November 13, 2013. At the public hearing, the Clean Water Commission staff explained the proposed amendment. Two (2) comments were made at the public hearing by Kevin Perry of REGFORM and Phil Walsack of Missouri Public Utilities Alliance (MPUA). Two (2) written comments were received from Robert Brundage with Newman, Comley & Ruth, PC and Lesley Oswald with the Boone County Regional Sewer District.

**COMMENT #1:** Kevin Perry, REGFORM, and Phil Walsack, MPUA expressed support for the adoption of the proposed fee structure.

**RESPONSE:** The Department of Natural Resources (department) appreciates and acknowledges the support. No changes in the proposed revisions were made in response to these comments.

**COMMENT #2:** Kevin Perry, REGFORM, stated an interest in working toward the elimination of the additional one-half (1/2) percent administration fee for State Revolving Fund (SRF) loans.

**RESPONSE:** The Department of Natural Resources (department) acknowledges the interest in reducing the fee, and this can be part of the discussion as the clean water fees deliberation recommences in 2014. The SRF administration fee is part of the picture of support for the state's clean water efforts, but is outside of the scope of this rule-making. No changes in the proposed revisions were made in response to these comments.

**COMMENT #3:** Robert Brundage, Newman, Comley & Ruth, PC, commented that the fee for a Class 1A concentrated animal feeding operation specifies the fee is for a national pollutant discharge elimination permit, but does not specify the fee for a Missouri state operating permit.

**RESPONSE AND EXPLANATION OF CHANGE:** The same fee would be applicable for either permit. Rule language is changed to include the Missouri state operating permit in this fee category. Other language was also added to specify that portions of the rule apply to class 1A concentrated animal feeding operations and the state permit is a Missouri state operating permit.

**COMMENT #4:** The Boone County Regional Sewer District (BCRS) stated it is supportive of the increases in the clean water fee structure if this increase is accompanied by a decrease in the state revolving fund administrative fee.

**RESPONSE AND EXPLANATION OF CHANGE:** The SRF administrative fee has been part of the stakeholder discussion of clean water fees throughout the process. It is part of the funding mix that supports the state meeting our clean water responsibilities, although it is not part of this rule. At this point the proposed clean water fee structure increases funding available for program activities, although there would remain a funding shortfall of about one (1) million dollars per year. The department will readily take up all topics related to conduct and support of clean water work, including the SRF administrative fee, when the discussion with stakeholders recommences in 2014. No changes in the proposed revisions were made in response to these comments.

In addition, staff noted that fees in the proposed rule for permit modifications for facilities with service connections differs from those prescribed by current law. While the Clean Water Commission has the latitude to change these fees, such changes were not subject to discussion and therefore the proposed rule is changed to make this part of the fee structure consistent with existing law. There are small edits to the fiscal note reflecting this change. This section may be reviewed in future fee discussions and changed if appropriate. Rule language is changed to reflect the current law.

#### 10 CSR 20-6.011 Fees

##### (2) Fees—Amounts.

(C) Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay—

1. Five thousand dollars (\$5,000) if the industry is a class IA concentrated animal feeding operation as defined by the commission; or

2. For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

A. Four thousand two hundred dollars (\$4,200) if the design flow is less than one (1) million gallons per day; or

B. Five thousand dollars (\$5,000) if the design flow is equal to or greater than one (1) million gallons per day.

(F) Persons who apply for or possess a general permit or permit by rule shall pay—

1. For the discharge of storm water from a land disturbance site—

A. Five hundred dollars (\$500) if the site is at least one (1) acre and less than five (5) acres;

B. Six hundred dollars (\$600) if the site is equal to or greater than five (5) acres but less than ten (10) acres;

C. Seven hundred fifty dollars (\$750) if the site is equal to or greater than ten (10) acres but less than twenty-five (25) acres;

D. One thousand five hundred dollars (\$1,500) if the site is equal to or greater than twenty-five (25) acres but less than one hundred (100) acres;

E. Three thousand dollars (\$3,000) if the site is equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

F. Five thousand dollars (\$5,000) if the site is equal to or greater than five hundred (500) acres; and

G. Any permit issued to a public agency or private party for multiple sites shall pay a single fee based upon the estimated acreage of all the sites as follows:

(I) One thousand five hundred dollars (\$1,500) if the sites are less than one hundred (100) acres;

(II) Three thousand dollars (\$3,000) if the sites are equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

(III) Five thousand dollars (\$5,000) if the sites are equal to or greater than five hundred (500) acres;

2. One hundred dollars (\$100) annually for the operation of a chemical fertilizer or pesticide facility;

3. For the operation of an animal feeding operation or a concentrated animal feeding operation—

A. Five thousand dollars (\$5,000) per year for a national pollutant discharge elimination system permit or a Missouri state operating permit for a class IA concentrated animal feeding operation as defined by the commission;

B. Four hundred fifty dollars (\$450) per year for a national pollutant discharge elimination system permit for a class IB concentrated animal feeding operation as defined by the commission;

C. Three hundred fifty dollars (\$350) per year for a national pollutant discharge elimination system permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

D. Three hundred dollars (\$300) per year for a Missouri state operating permit for a class IB concentrated animal feeding operation as defined by the commission; or

E. One hundred fifty dollars (\$150) per year for a Missouri state operating permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

4. Two hundred fifty dollars (\$250) annually for the discharge of storm water from a municipal separate storm sewer system (MS4);

5. Three hundred dollars (\$300) annually for the operation of an aquaculture facility;

6. For discharging publicly owned treatment works which treats only human sewage shall annually pay the fee in subsection (G) based upon the number of service connections to the facility;

7. One hundred fifty dollars (\$150) annually for a permit by rule and for a pesticide applicator permit.

8. Two hundred dollars (\$200) annually for a permit for the discharge of process water or storm water, potentially contaminated by activities not included in paragraphs 1. to 7. of this subsection.

(H) For the purpose of permit modification fees, non-substantive changes are those listed as minor modifications in 40 CFR section 122.63. Persons requesting modifications to state operating permits that charge a service connection fee shall pay two hundred dollars (\$200). Persons requesting a modification to an operating permit shall pay:

1. One hundred dollars (\$100) for name changes, address changes or other non-substantive changes, or for a modification of a general permit; or

2. A fee equal to twenty-five percent (25%) of the annual operating fee assessed for the facility for other changes;

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Department of Natural Resources  
Division Title: Division of Environmental Quality  
Chapter Title: Permits**

<b>Rule Number and Name:</b>	<i>10 CSR 20-6.011</i>
<b>Type of Rulemaking:</b>	<i>Rule Amendment</i>

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<i>No direct costs to DNR to implement rule.</i>	<b>Estimated Additional Cost of Compliance in the Aggregate:</b>
<i>The Dept. of Natural Resources permits both public and private entities –</i>  <u>Construction Permits</u> – 80 avg. # permit applicants per year  <u>Site Specific</u> – 55 avg. # permit applicants per year	<u>Lost Revenue Per Year</u>  <i>Projected Additional Revenue Loss: \$41,500</i>  <i>Projected Additional Revenue Loss: \$55,000</i>  <i>Total Revenue Loss: \$96,500</i>
<i>Other State Agencies &amp; Other Political Subdivisions; City Government, Municipal Districts or other public entities</i>  <u>Construction Permits</u> - 133 avg. # permit applicants per year  <u>General Permits</u> - 111 avg. # permit applicants per year  <u>Other Fees</u> – 64 avg. # permit applicants per year	<u>Estimated Cost of Compliance</u>  <i>Projected Additional Costs: \$26,034</i>  <i>Projected Additional Costs: \$ 86,382</i>  <i>Projected Additional Costs: \$14,250</i>  <i>Total Additional Costs: \$126,666</i>
<b>Dept. Natural Resources and Other State Agencies &amp; Political Subdivisions</b>	<b>FY 2017 Additional Cost of Compliance in the Aggregate:</b> <b>\$96,500 (Dept. revenue loss) &amp; \$126,666 (the other public costs) expected to recur</b> <b>Note: FY2016 Additional Cost of Compliance in the Aggregate for the partial fiscal year, is ½ of FY2017 revenue loss for the Dept. and the Cost of Compliance for Other Public State Agencies</b>

**III. WORKSHEET*****Department of Natural Resources***

<b><u>Permits</u></b>	<b><u>Projected Additional Revenue Loss</u></b>
Construction	\$41,500
Site-Specific	\$55,000
Other Fees	\$0
<b><u>Total</u></b>	<b><u>\$96,500</u></b>

***Other State Agencies & Political Subdivisions***

<b><u>Permits</u></b>	<b><u>Projected Additional Costs</u></b>
Construction	\$26,034
General	\$86,382
Other/Fees	\$14,250
<b><u>Total</u></b>	<b><u>\$126,666</u></b>

**\*Projected Additional Public Savings: \$783**

**\*Although there are some projected savings for the Other State agencies & Political Subdivisions, there is an overall increase in costs of \$126,666.**

**For detailed information displayed in the Water Protection Program's Rules In Development web page see the electronic spreadsheet at <http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm> for the "Projected Fee Revenues for the Water Protection Program for 2013 for 10 CSR 20-6.011 Fees Rule Amendment"** The electronic spreadsheet displays the overall current fee structure, the proposed fee structure as recommended, permit type, and the average number of permits per year. The number of applicants is stated as a public or private percentage of the total number of permit applicants for any one type of permit. All projected revenues to the Department are calculated by multiplying the proposed permit fee amounts by the average number of applicants per year.

**Revenues to the Department are costs to the public and private sectors. A savings to the public or private sector, are loss revenues (costs) to the Department.**

**IV. ASSUMPTIONS**

**This proposed amendment and fiscal notes, if not disapproved by the General Assembly, become effective May 30, 2014. The proposed fee structure within the amendment, if not disapproved, is implemented January 1, 2015 under statute.**

**This public fiscal note assumes that the proposed fees to be paid by the public entities to the Department are essentially the *costs of the projected revenues* as displayed in the electronic spreadsheet.**

**The projected additional revenue lost to the Department, \$96,500, is a projected additional savings to public and private permittees. The projected additional cost to the public agencies and political subdivisions, \$126,666, is projected additional revenue to the Department.**

**The projected additional revenue to the Department each year is \$1,997,645, while the total projected revenue to the Department, \$6,780,486, per year, the revenue affect. For those interested, total projected revenue details may be viewed in the electronic spreadsheet.**

**Summary –**

**Generally, a 20% overall increase was part of the on-going discussions in the development of the department's recommended fee structure. The fees have not been revised since expiring in 2007, but have received a number of extensions from the legislature.**

**The Department met several times with stakeholders over the past two years presenting information on clean water activities, expenditures and funding sources. Clean water fee recommendations are the basis for this public fiscal note. The recommendations include changes to fees and changes to construction permits.**

**The fee setting process through Commission rulemaking is a cyclical process that may be revisited for adjustment.**

**Missouri has responsibility for implementation of federal clean water requirements. The most visible aspects of these duties are permitting, inspection and enforcement, as these involve direct interactions between the department and the regulated community. The Department's responsibilities also include water quality monitoring and analysis, technical assistance and education.**

**Over time, changes to the federal clean water law lead to more responsibilities, the most significant of which is stormwater management, permitting and, the nonpoint source management effort. Also, the Department's staffing costs have increased considerably over time as well.**

**Although EPA has previously allowed flexibility in spending funds allocated to other sections within the Clean Water Act, continued flexibility is limited.**

**In this public fiscal note the revenue loss of \$96,500 to the Department accounts for only a small fraction of the projected shortfall, of \$2,944,036, the additional amount needed to fully fund Clean Water permitting. While the revenues from the recommended fee**

structure serve to mitigate the shortfall, it is not eliminated. The Department has based this shortfall calculation on average annual revenues from all sources over a four year period.

The projected additional costs to other state agencies and political subdivisions or, \$126,666 (revenue paid to the Department) is the result of the recommended fee structure as proposed for construction, general, and other fee types. Antidegradation is included with the construction permits because of the overlap between the construction permits and those undergoing anti-degradation review.

*Department's Loss of Revenues –*

**Construction Permits – Sewer Extensions –** There are projected additional cost for some of the public construction permits, due to fee increases.

**Other Sewer Extensions –** Construction sewer extensions other – the same fee is proposed and, therefore. No additional projected revenue.

**Ag-Chemical and CAFOs –** Construction permits for Ag-Chemical and CAFOs (Concentrated Animal Feeding Operations) are no longer required. These private entities are *not* exempt from inspections.

**Site-Specific – Domestic Sewage Non-POTWs (Non-Publicly Owned Treatment Works) –** Permit fee loss revenue to the Department is due to the consolidation in fees and a sliding scale for those fees.

**Other Fees –** POTW major and minor permit fees are based on the statute.

*Other State Agencies and Other Political Subdivisions; City Government, Municipal Districts or other public entity costs –*

**Construction Permits – Wastewater Treatment –** Permits fees have been increased, a cost to the public entities.

**Antidegradation Reviews –** Reviews for construction permits are an additional cost to the public sector.

**General Permits – Public Land Disturbance –** Public land disturbance fees have increased based on estimated total acreage.

**The General Permit for Pesticide applicator permits remain the same.**

**Other Fees –** Water Quality Certifications 401-404 Major Modification and MS4s fees, for general stormwater permits are increased, a cost to the public.

The cost to the public and, or private sectors to comply with the new fees is the *costs of the projected revenue*, or, the revenue affect. The Department's projected revenues (costs to the public or private entities) may be viewed in detail in the electronic spreadsheet at <http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm> .

FISCAL NOTE  
PRIVATE COST

Department Title: Department of Natural Resources  
Division Title: Division of Environmental Quality  
Chapter Title: Permits

Rule Number and Title:	10 CSR 20-6.011 Fees
Type of Rulemaking:	Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b><u>Estimated Private Entities</u></b> <b>Total 383</b>	<b><u>Construction Permits</u></b> <b>Sewer Extensions or</b> <b>Other Extensions</b>  <b>Wastewater Treatment</b> <b>&lt; 500,000 or</b> <b>≥ 500,000</b>  <b>Ag Chemical &amp; CAFO</b>  <b>Antidegradation Water</b> <b>Quality Reviews</b>	<b><u>Estimate in the Aggregate</u></b> <b>Projected Additional Cost of</b> <b>Compliance:</b> <b>\$28,566</b>
<b><u>Estimated Private Entities</u></b> <b>Total 1,654,581</b>	<b><u>Private Service Connections</u></b> <b>Residential</b> <b>Industrial/Commercial</b>	<b><u>Estimate in the Aggregate</u></b> <b>Projected Additional Cost of</b> <b>Compliance: \$174,676</b>
<b><u>Estimated Private Entities</u></b> <b>5,367</b>	<b><u>General Permits</u></b> <b>Land Disturbance</b> <b>Land Disturbance - Multiple</b> <b>Sites</b> <b>Domestic Wastewater</b> <b>Pesticide Applicators</b> <b>Other - Car Washes,</b> <b>Limestone Quarries,</b> <b>Petro Storage,</b> <b>Metal Fabrication, etc.</b>	<b><u>Estimate in the Aggregate</u></b> <b>Projected Additional Cost of</b> <b>Compliance:</b> <b>\$1,172,962</b>

	CAFO NPDES & MSOP Stormwater-excludes MS4 communities	
<u>Estimated Private Entities</u> 2,420	<u>Site-Specific</u> Industrial Process Flows Industrial Stormwater Only Domestic Sewage	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$443,900
<u>Estimated Private Entities</u> 606	<u>Other Fees</u> 401/404 Cert Fees Minor Permit by Rule - Hydro- static Testing Permit Modifications  CAFO NPDES Class 1A Other Site-Specific, Major Mods & Minor Mods Permit Variance	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$ 50,875
<u>Estimated Total # All Fees &amp; Permits</u> 1,663,357	<u>Private Permitted Entities</u>	<u>FY2017 Total Projected</u> Additional Costs of Compliance expected to recur: \$ 1,870,979
		Note: FY2016 Total Partial Projected Additional Costs of Compliance, equal to ½ yr. \$ 935,490

## I. WORKSHEET Permit Private Entities

<u>Permit Types</u>	<u>Projected Additional Costs</u>
Construction	\$28,566
*Savings	(\$40,717)
Service	\$174,676
General	\$1,172,962
Site-Specific	\$443,900
*Savings	(\$55,000)
Other	\$50,875

	<u>Total Projected Additional Costs</u>
All Private, Fees & Permits	\$1,870,979

Projected Additional Savings to Private Entities:

\$95,717

Information on the Projected Fee Revenues for the "Water Protection Program for 2013 for 10 CSR 20-6.011 Fees Rules Amendment" may be viewed as an electronic spreadsheet on the Water Protection Program's Rules In Development web page at <http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm> . The Water Protection Program's electronic spreadsheet displays the proposed fee structure as recommended, including the overall current fees for permit type, average number of permits per year, and proposed fees, and projected additional revenues. The Department's additional projected revenues from the private sector are the additional projected costs to the private entities.

\*A savings to the private sector is a revenue loss to the Department.

#### IV. ASSUMPTIONS

This proposed amendment and fiscal notes, if not disapproved by the General Assembly, become effective May 30, 2014. The proposed fee structure within the amendment, if not disapproved, is implemented January 1, 2015 under statute.

This private fiscal note assumes that the proposed fees to be paid by the private entities to the Department are essentially the *costs of the projected revenues* as displayed in electronic spreadsheet.

All proposed fees and, the average number of private permit applicants per year are displayed in the excel spreadsheet. The costs to the private entities are calculated by multiplying the proposed fee amounts by the number of private permit applicants per year. The projected additional revenues to the Department from the private sector are the projected additional costs to the private sector. Projected additional costs to the private sector are the Estimated Costs in the Aggregate. The footnotes in the electronic spreadsheet provide additional details.

Summary –

Generally, a 20% overall increase was part of the on-going discussions in the development of the department's recommended fee structure. Fees have not been revised since expiring in 2007, but have received a number of extensions by the legislature.

The fee setting process through Commission rulemaking is a cyclical process that may be revisited for adjustment.

There are two types of permits issued by the department, construction and operating. Construction permits involve review and approval of engineering plans and specifications to assure that wastewater facilities are properly designed and, operating permit reviews involve site-specific and general permits that establish effluent limitations for particular discharges.

To maintain a viable program that meets the expectations of Missouri's delegation agreement with the U.S. EPA, the department must have a program that is robust enough to ensure permitted entities comply with the law. In this proposed fee structure as recommended, some permit applicants are assuming the responsibility to build and design their facilities in conformance with state and federal requirements.

Stakeholder interest in expedited permits centers on construction permits and initial operating permits because these permits are necessary for private parties to build and operate and execute their business plans. With this exemption private entities will assume full responsibility in meeting effluent limits. The electronic spreadsheet on the Department's Rules in Development web site identifies future construction permit classes exempt from fees, namely, the private industrial facilities.

The Department has granted exemptions for certain construction permits in order to help businesses meet their construction and operating budgets, shifting responsibility and risks to business owners to make sure that their facilities will effectively treat wastewater. At the same time the Department must have the revenues to monitor, inspect and enforce permitting law.

*Private Cost or Savings in the Department's recommended fee structure –*

**Construction Permits** – Cost savings accrue to some public sewer construction and to some businesses, who no longer are required to apply for a construction permit.

**Wastewater Treatment** – Wastewater treatment plants, in line with their design flows have fee increases. This excludes Concentrated Animal Feeding Operations.

**Antidegradation Reviews** – These reviews are charged on a sliding scale and are new costs to the permit applicant who may request anti-degradation review.

**Industrial /Commercial Connections** – Fees for connections, depending on the length of the service line, have remained the same, or, have increased.

*General Permits –*

**Land Disturbance –** Fees are now paid on a sliding scale, the more acres disturbed the higher the cost incurred.

**Multiple-site Permits –** Fee costs for a permit issued to a private entity for multiple sites, is paid based upon the estimated acreage of all of the sites, on a graduated fee scale. No private total projected additional revenue for general permits for private parties is projected currently, although fees are proposed.

**Domestic Wastewater –** The general permit for small Domestic Wastewater is not addressed.

**The fee for the Pesticide Applicators remains the same.**

*General Permits Other – Fees*

**Fees for car washes, limestone quarries, petroleum storage and metal fabrication, etc. have increased.**

**NPDES CAFO –** Nation Pollution Discharge Elimination System, CAFO (Concentrated Feeding Operations) permit fees for CAFO 1A remains the same, while NPDES CAFO 1B, 1C /II, and MSOP 1B, and MSOP 1C/II, fees are proposed on a sliding scale.

**General Stormwater –** Permitting fee has been increased, excluding MS4s communities

*Site-Specific Permits –*

**Industrial Process Flows –** Fees for the Categoricals and Non-Categoricals have increased, with the exception of the larger categorical where the fee is capped at \$5,000 by statute.

**Industrial Stormwater –** Fees for the industrial stormwater permits have increased.

**Domestic Sewage Sludge Non-POTWs –** Fees have increased, with the exception of one Non-POTW permit, where the fee has decreased, (a savings to this permit applicant) due to consolidation of the Non-POTW fees along a sliding scale.

*Other Fees –*

**401/404 Certification Fees** both minor and major have increased due to the level of service required. The CAFO General Permit Major modification no longer requires a construction permit. Some site-specific major modifications remain the same while other site-specific minor modifications are now charged a flat fee. The Permit by Rule fee has been increased.

The Permit Variance fee remains the same. No additional projected revenue is expected.

*Cost Savings provided through technological improvement in the Department's operations\_*

Expedited permitting will, in many cases, help the Department to issue permits within the regulated deadlines. For instance e-permitting, recently available for land disturbance permits, will be a cost savings to the permit applicant. This is reflected in the consolidation of the permitting fees, mitigating fees overall for the land disturbance permit.

Centralization as opposed to regional permitting will, and has, sped up the issuance of the site-specific permit. Newly implemented and future efficiencies and expedited permit processes are expected to help the department sustain and improve permit timeliness.

The Department and regulated entities have found that the current pre-review and exchange of information processes have been instrumental in working out potential issues and in avoiding unnecessary appeals, saving costs and time in permitting and, are a good use of fee revenues by the Department.

The Department must respond to any operation alleged to be causing pollution. Preventing pollution and, pollution control is the most important reason why a good fee structure is necessary.

Many stakeholder meetings supported open discussions between stakeholders and department staff. Meetings were open to the public and streamed live over the internet over a period of more than two years.

The fiscal focus is on the costs to conduct permitting, inspection and enforcement activities for both private (and public) permittees. The proposed fees structure helps to make up for the shortfall in clean water funding. Funding from other sources has been used to meet immediate needs. While EPA has previously allowed flexibility in spending funds allocated to other sections within the Clean Water Act, continued flexibility is limited.

The private projected additional costs to comply, \$ 1,870,979, will be paid by private entities. This provides most of the total \$1,997,645 projected additional revenues to the Department to help fund the permitting and inspection and enforcement programs. Projected Additional Savings to private entities are \$95,717. The private total projected cost to comply is \$6,561,591. The private total projected additional cost to comply provides most of the total projected revenue to the Department, \$6,780,486.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under sections 336.080 and 336.160.1, RSMo Supp. 2013, the board amends a rule as follows:

**20 CSR 2210-2.030 License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2014 (39 MoReg 73). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**STATUTORY LIST OF CONTRACTORS  
BARRED FROM PUBLIC WORKS PROJECTS**

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State. In addition, this list includes contractor(s) that have agreed to entry of an injunction permanently prohibiting them and any persons and entities related to them from engaging in, or having any involvement in, any business in Missouri.

**Contractors Convicted of Violations of the Missouri Prevailing Wage Law**

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC Case No. 12AO-CR01752 (Jasper County Cir. Ct.)		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013 to 08/08/2014

**Contractors Agreeing to Permanent Prohibition from Engaging In, or Having Any Involvement In, Any Business in Missouri**

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Injunction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent
Troy Langley		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent

Dated this 17<sup>th</sup> day of March 2014.

  
John E. Lindsey, Division Director

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

## **Notice of LLC Dissolution to all Creditors of and Claimants Against Miramar Investments, LLC**

Miramar Investments, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company on February 13, 2014, and was thereafter terminated on February 27, 2014.

Miramar Investments, LLC requests that all persons and organizations who have claims against it present them immediately by letter to Susan P. Layton, Layton & Southard, LLC, 1650 North Kingshighway, Suite 302, P.O. Box 1238, Cape Girardeau, MO 63702-1238.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof.

All claims against Miramar Investments, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

## **NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

To: All creditors of and claimants against FOOD DISTRIBUTION ASSOCIATES, L.L.C., a Missouri limited liability company ("Company").

On February 28, 2014, FOOD DISTRIBUTION ASSOCIATES, L.L.C., Charter Number **LC0522015**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o CHINNERY EVANS & NAIL, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of FOOD DISTRIBUTION ASSOCIATES, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST FOOD DISTRIBUTION ASSOCIATES, L.L.C., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP AND DISSOLUTION TO ALL UNKNOWN CREDITORS  
OF AND CLAIMANTS AGAINST  
JW HAULING LLC**

JW Hauling LLC is sending this notice to you pursuant to Missouri Revised Statutes Section 347.141.

On February 10, 2014, JW Hauling LLC, a Missouri limited liability company was administratively dissolved by the Missouri Secretary of State. Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Smith Lewis, LLP, P.O. Box 918, Columbia, MO 65205-0918. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) or dates on which the service(s) were provided or the event(s) occurred that form the basis for the claim, and supporting documentation for the claim, if any.

A claim against said company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this Notice.

JW Hauling LLC

**NOTICE OF DISSOLUTION OF CORPORATION  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
INSURANCE PROVIDERS OF MISSOURI, INC.**

On March 6, 2014, Insurance Providers of Missouri, Inc., filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The dissolution was effective March 6, 2014. Any claims against Insurance Providers of Missouri, Inc., must be submitted to Rick J. Muenks, Attorney at Law, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Each claim must include claimants name, address of claimant and telephone number of claimant; amount of claim; the date on which the event of which the claim is based occurred; and a brief description of the nature of the debt or the basis for the claim. By law, proceedings are barred unless commenced against the Corporation within two years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
D&D ADVISORS, LLC**

1. The name of the Limited Liability Company is D&D Advisors, LLC.
2. The Articles of Organization for the limited liability company were filed on the following date: 02/08/2002.
3. Persons with claims against the limited liability company should present them in accordance with the following procedure:
  - a. In order to file a claim against the limited liability company, you must furnish the following:
    - i. Amount of claim;
    - ii. Basis of the claim;
    - iii. Documentation of the Claim.
  - b. Claims must be mailed to:  
  
David A. Vorbeck, Registered Agent, c/o Vorbeck Associates, LLC, 684 SE Bayberry Lane, Suite 101, Lee's Summit, Mo. 64063
4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of the notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
ELITE LANDSCAPES, LLC**

On March 6, 2014, Elite Landscapes, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Richard T. Ashe, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-10.010	Animal Health		39 MoReg 68	This Issue	
2 CSR 80-2.050	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 80-5.010	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 90-10	Weights and Measures				38 MoReg 1241
2 CSR 90-30.040	Weights and Measures		38 MoReg 1099	This Issue	
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-3.010	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-4.130	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-5.430	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-6.510	Conservation Commission		38 MoReg 1742	39 MoReg 254	
3 CSR 10-6.545	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-6.550	Conservation Commission		38 MoReg 1743	39 MoReg 255	
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19 CSR 60-50.440	Missouri Health Facilities Review Committee		This Issue		
19 CSR 60-50.450	Missouri Health Facilities Review Committee		This Issue		
19 CSR 60-50.600	Missouri Health Facilities Review Committee		This Issue		
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20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
20 CSR	Sovereign Immunity Limits				39 MoReg 167
20 CSR	State Legal Expense Fund Cap				39 MoReg 167
20 CSR 400-2.160	Life, Annuities and Health		38 MoReg 1555	39 MoReg 399	
20 CSR 400-5.600	Life, Annuities and Health		38 MoReg 1885	39 MoReg 690	
20 CSR 1140-30.240	Division of Finance		38 MoReg 1628	39 MoReg 739	
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400	
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20 CSR 2063-6.005	Behavior Analyst Advisory Board		38 MoReg 1631	39 MoReg 690	
20 CSR 2085-8.070	Board of Cosmetology and Barber Examiners		39 MoReg 68		
20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners		38 MoReg 1637	39 MoReg 400	
20 CSR 2085-12.020	Board of Cosmetology and Barber Examiners		38 MoReg 1637	39 MoReg 401	
20 CSR 2085-13.070	Board of Cosmetology and Barber Examiners		38 MoReg 1638	39 MoReg 401	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		38 MoReg 1114	38 MoReg 2048	
20 CSR 2145-2.020	Missouri Board of Geologist Registration		38 MoReg 1116	38 MoReg 2048	
20 CSR 2145-2.030	Missouri Board of Geologist Registration		38 MoReg 1116	38 MoReg 2048	
20 CSR 2145-2.065	Missouri Board of Geologist Registration		38 MoReg 1117	38 MoReg 2049	
20 CSR 2145-2.080	Missouri Board of Geologist Registration		38 MoReg 1120	38 MoReg 2049	
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1638	39 MoReg 401	
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1641	39 MoReg 401	
20 CSR 2200-1.010	State Board of Nursing		38 MoReg 1641	39 MoReg 401	
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20 CSR 2210-2.030	State Board of Optometry		39 MoReg 73	This Issue	
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20 CSR 2231-2.010	Division of Professional Registration		38 MoReg 1643	39 MoReg 402	
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20 CSR 2232-1.040	Missouri State Committee of Interpreters		38 MoReg 1409	38 MoReg 2095	
20 CSR 2232-2.010	Missouri State Committee of Interpreters		38 MoReg 1412	38 MoReg 2096	
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20 CSR 2235-1.020	State Committee of Psychologists		38 MoReg 1175	38 MoReg 2050	
20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
20 CSR 2235-1.026	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
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20 CSR 2245-1.010	Real Estate Appraisers		38 MoReg 1303	38 MoReg 2052	
20 CSR 2245-3.005	Real Estate Appraisers		38 MoReg 1304	38 MoReg 2052	
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20 CSR 2245-6.040	Real Estate Appraisers		38 MoReg 1305	38 MoReg 2052	
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22 CSR 10-2.020	Health Care Plan	39 MoReg 7	39 MoReg 75		
22 CSR 10-2.030	Health Care Plan	39 MoReg 13	39 MoReg 81		
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22 CSR 10-2.051	Health Care Plan	39 MoReg 16	39 MoReg 84		
22 CSR 10-2.052	Health Care Plan	39 MoReg 17	39 MoReg 87		
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22 CSR 10-2.110	Health Care Plan		39 MoReg 115		
22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R	38 MoReg 2096R	
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22 CSR 10-3.010	Health Care Plan	39 MoReg 42	39 MoReg 119		
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22 CSR 10-3.054	Health Care Plan	39 MoReg 46R	39 MoReg 125R		
22 CSR 10-3.055	Health Care Plan	39 MoReg 46	39 MoReg 125		
22 CSR 10-3.056	Health Care Plan	39 MoReg 48	39 MoReg 126		
22 CSR 10-3.057	Health Care Plan	39 MoReg 48R	39 MoReg 128R		
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22 CSR 10-3.060	Health Care Plan	39 MoReg 59	39 MoReg 141		
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22 CSR 10-3.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1423R	38 MoReg 2096R	

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<b>Division of Business and Community Services</b>			
4 CSR 85-8.011	Definitions . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-8.021	Program Administration . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-9.011	Definitions . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-9.021	Application Process . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-9.031	Project Proposal . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-9.035	Support Contract . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-9.041	Event Notification . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
4 CSR 85-9.051	Cost Certification . . . . .	Next Issue . . . . .	April 11, 2014 . . . . . July 30, 2014
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12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	38 MoReg 1965 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
<b>Department of Social Services</b>			
<b>MO HealthNet Division</b>			
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .	39 MoReg 765 . . . . .	March 1, 2014 . . . . . May 31, 2014
<b>Retirement Systems</b>			
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16 CSR 20-2.060	Correction of Errors . . . . .	39 MoReg 436 . . . . .	Jan. 2, 2014 . . . . . June 30, 2014
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
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20 CSR 200-2.100	Credit for Reinsurance . . . . .	38 MoReg 1695 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
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<b>Health Care Plan</b>			
22 CSR 10-2.010	Definitions . . . . .	39 MoReg 5 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.020	General Membership Provisions . . . . .	39 MoReg 6 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.030	Contributions . . . . .	39 MoReg 13 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.045	Plan Utilization Review Policy . . . . .	39 MoReg 15 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 16 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 17 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 18 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.054	Medicare Supplement Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 20 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 20 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 21 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations . . . . .	39 MoReg 31 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.070	Coordination of Benefits . . . . .	39 MoReg 33 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	39 MoReg 34 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	39 MoReg 36 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	39 MoReg 38 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations . . . . .	39 MoReg 767 . . . . .	May 1, 2014 . . . . . Oct. 27, 2014
22 CSR 10-2.140	Wellness Center Provisions, Charges, and Services . . . . .	39 MoReg 41 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.010	Definitions . . . . .	39 MoReg 42 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.020	General Membership Provisions . . . . .	39 MoReg 42 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.045	Plan Utilization Review Policy . . . . .	39 MoReg 44 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 45 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 46 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.055	High Deductible Health Plan Provisions and Covered Charges . . . . .	39 MoReg 46 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	39 MoReg 48 . . . . .	Jan. 1, 2014 . . . . . June 29, 2014

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<b>22 CSR 10-3.057</b>	Medical Plan Benefit Provisions and Covered Charges . . . .39 MoReg 48 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
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<b>22 CSR 10-3.060</b>	PPO 600, PPO 1000 Plan, and HDHP Limitations . . . . .39 MoReg 59 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
<b>22 CSR 10-3.075</b>	Review and Appeals Procedure . . . . .39 MoReg 61 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
<b>22 CSR 10-3.090</b>	Pharmacy Benefit Summary . . . . .39 MoReg 64 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014

**Executive  
Orders****Subject Matter****Filed Date****Publication****2014**

<b>14-03</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	Next Issue
<b>14-02</b>	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	Next Issue
<b>14-01</b>	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491

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<b>13-14</b>	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
<b>13-13</b>	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
<b>13-12</b>	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
<b>13-11</b>	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
<b>13-10</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
<b>13-09</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
<b>13-08</b>	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
<b>13-07</b>	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
<b>13-06</b>	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
<b>13-05</b>	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
<b>13-04</b>	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
<b>13-03</b>	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
<b>13-02</b>	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
<b>13-01</b>	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

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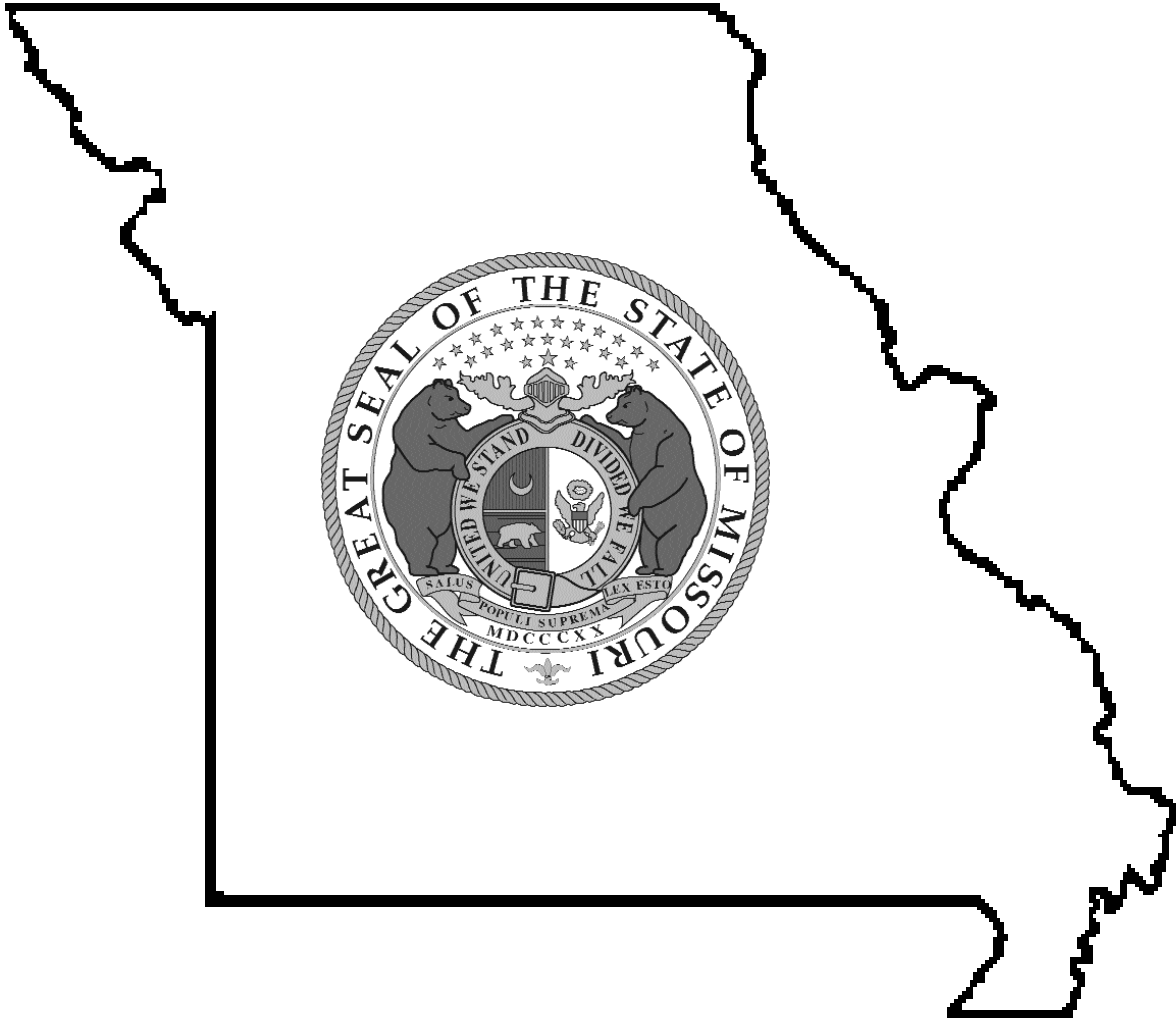
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## **Non-Substantive Changes Form and Updated Transmittal Form Now Available Online**

With SB 469 and HB 1135 having gone into effect on August 28, 2012, agencies may now file a request with the Joint Committee on Administrative Rules and the secretary of state concurrently to make non-substantive changes to rules in the *Code of State Regulations*. Non-substantive changes include changes in department or division name in response to statutory changes or executive orders, or changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

A form for Non-Substantive Changes may be found online at <http://www.sos.mo.gov/adrules/forms.asp>. Also available on the same page are other forms of the Administrative Rules Division of the Office of the Secretary of State including a new revised transmittal form.